

Crime  
Perspective  
in  
North East  
India

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D. N. MAJUMDAR

D. DOLEY

## **About the book**

The book is designed to find out social and economic parameters of crime in north-east India. The convicts do not stay in prisons for ever. The aim of the study is also to see how they fit themselves in the societies to which they belong after their release. Though the state governments publish crime statistics from time to time, they do not give any idea about the social circumstances leading to crime and factors contributing to making habitual offenders. This inter-disciplinary research attempts to find out how much of such problems can be studied among the convicts and their families in Assam and Meghalaya. The study tried to cover the socio-economics and developmental factors which contributed to social deviance and crime. The book is a significant contribution to north-east India study.

**Rs. 80/-**

## **About the Authors**

Dr. B. Dutta Ray is a senior Fellow of Indian Council of Social Science Research and founder-Secretary of North-East India Council for Social Science Research, Shillong, the leading research organisation in north-east India.

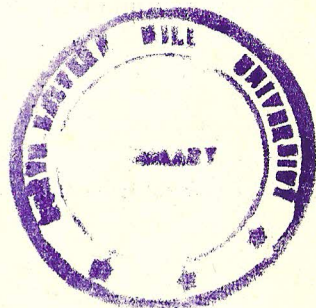
Dr. D. N. Majumdar is Reader in Anthropology, Gauhati University and President, North-East India Council for Social Science Research. He is an expert social scientist in tribal and social welfare studies.

Dr. D. Doley is Reader in Sociology, Dibrugarh University. He pioneered crime studies in north-east India.

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# CRIME PERSPECTIVE IN NORTH-EAST INDIA



*Edited by*

B. Datta Ray

D. N. Majumdar

D. Doley

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This study of crimes and rehabilitation of criminals in Assam and Meghalaya, sponsored by the Ministry of Social Welfare, Government of India was of an exploratory nature designed to find out social and economic parameters of crimes in the two states. The convicts do not remain in prisons for ever. Sooner or later all of them come back to the society. So, the aim of this study was also to see how the convicts fit themselves in the societies to which they belong. Though the state governments publish crime statistics from time to time, they do not give any idea about the social circumstances leading to crimes, factors contributing in making habitual offenders, etc. And it was our aim to find out how much of such problems can be studied among the convicts and their families. I am grateful to Mr. A.B. Bose, Director, Mr. Rafiq-ur Rahman, Statistician, Mr. M.M. Bhalla and Mr. J.C. Sinha, Senior Research Officers to the Ministry for their understanding and support to me for undertaking this study. The entire credit for this study goes to Dr. D.N. Majumdar, Reader, Department of Anthropology, Guwahati University and to Dr. D. Doley, Reader, Department of Sociology, Dibrugarh University, my two Honorary Consultants. We are fortunate to be able to draw upon their expertise and understanding of the problem to complete the study. The work is a pioneering one and demanded careful handling of a grave social problem. The study tried to cover the socio-economic and developmental factors which contributed a social deviance and crime. I sincerely thank these two eminent scholars for their help. I take this opportunity to thank Dr. Julius

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Shillong,

B. Datta Ray  
Project Director

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## Introduction

### The Problem of the Study

Crime viewed as a norm-breaking behaviour is present almost in every types of human society. Its form and rate of incidence may vary from societies to societies and in different period of time; but the fact remains that 'everywhere and always' as Durkheim contends, 'there have been men who have behaved in such a way as to draw upon themselves penal repression' (Sarah A. Solvay & John H. Muller, 1950, p.65).<sup>1</sup> And ever since men realised the gravity of this problem of crime, the search for its root causes has been going on. Systematic studies on the problem, however, started hardly hundred years ago. It is difficult to identify any author as the initiator of scientific study of crime, but it is generally contended that Cesare Lombroso's (1835-1909) work, for the first time encouraged many thinkers to study crime causation with scientific orientations. Lombroso tried to relate biological factors to criminal behaviour of the convicted prisoners on the basis of some empirical observations. His thesis was that the criminals are born with certain physical traits which are different from those of non-criminals. According to Lombroso, the criminals particularly the hardened ones, possess what he called atavism or throw back to lower

animal or savage life. Elements of atavism were considered as factors for criminal behaviour. Following Lombroso's work Charles Goring (1913)<sup>2</sup> an English physician conducted a study among the convicts of prisons and came out with the conclusion that criminals were not so different from non-criminals with reference to their physical characteristics, thus suggesting that Lombroso's biological theory of crime causation was not viable. However, Hooton (1935) an Anthropologist, asserted on the basis of his study of prisoners and non-prisoners of American population that the 'primary cause of crime is biological inferiority'. But other subsequent studies demonstrated that 'the criminals are not significantly different in physical traits from non-criminals' (Sutherland & Cressy, 1968, p. 104). Although meanwhile biological theory of crime causation was getting eclipsed by other explanations, Shildon and Ghuek (1956) further attempted to differentiate criminals from non-criminals on the basis of Somotype. The studies of these authors tended to conclude that the criminals possess such physical traits that are not normally found with the non-criminals and these physical traits contribute to criminal behaviour either directly or indirectly. But such conclusions are not supported by sufficient factual evidences found in the subsequent studies of crime and delinquency. Thus, the biological theories are no longer accepted as the viable explanations of criminal behaviour.

The other dimension of crime and delinquency is psychological in which we may include feeble-mindedness, psychosis or insanity, neuropathic and other similar conditions.

Almost from the very beginning of thinkers' search for the causation of crime mental deficiencies or degenerations were held to be responsible factors committing crime. Feeble-minded persons tend to commit crime because they do not have sufficient intelligence to appreciate the need of obeying laws and to realise the consequences of violation of laws. Harry H. Goddard went to the extent of saying that "... It is no longer to be denied that the greatest single cause of delinquency and crime is low grade mentality, much of it within the

limits of feeble-mindedness" (Goddard, 1920).

Apart from mental defects, other forms of psychological disorders are also held to be responsible for criminal behaviour. Healy and Bronner (1936), H.W. Dunham (1939), K. Friedlander (1947), David Abrahamson (1949) and all those who are followers of Freud's theory maintain the view that crime and other forms of deviant behaviour are the products of psychopathological conditions. But despite the fact that enormous works have been produced on the problem of crime and psychology it is yet to be proved conclusively that either mental deficiency or psychopathic conditions have direct relationship with criminal behaviour. For it is observed that among the criminals there are many who are neither mentally degenerated nor inflicted by psychopathic conditions. Nor it is invariably found that a person of low I.Q. or mental degeneration and suffering from psychopathic conditions commit crime. In fact Cason (1946) and others suggest that there are good deal of inconsistencies in the characteristics of psychopathic conditions as described by the psycho-analysts. Thus, the psychological theories have so far failed to put forward any plausible explanation about the positive relationship between psychopathic personalities and criminal behaviour.

Apart from biological and psychological perspectives attempts have been made to locate etiology of crime in economic conditions. Right from the beginning of looking at the crime problem as undane phenomenon economic factors have been considered as crime generating conditions, which generally refer to poverty. 'Economic conditions as generating crime' as Schefar states 'it one of the oldest beliefs concerning the cause of criminal law breaking. It engaged the attention of thinkers even before the rise of modern criminology' (1969, p. 256). Right from the days of Cesare Beccaria, Garofalo, Ferri, etc. till today many thinkers have been emphasising economic factors in criminal behaviour. Bonger (1876-1940) and other Marxist writers held capitalist economic system as responsible for generating individual crimogenic behaviour. Bonger contends that in the capitalistic mode of production

man becomes very egoistic and hence becomes capable of committing crime. 'A society based upon exchange isolates the individuals by weakening the bond that unites them. (Bon-ger, in Vedder, Koenig and Clark, 1953, p.159).

It is, however, yet to be seen how far the communist countries are less plagued by the problem of crime and delinquency than the countries branded as capitalist. But many studies (Caldwell, 1931, Ogburn, 1948, Show and Mckay 1942 and others) conducted in different countries, particularly in the western world clearly suggest that poor economic status is closely associated with the criminals and juvenile delinquents. Radzinowciz (1941) and others show that apart from poverty economic affluence in society also generates crime and delinquency. Economic affluence creates more needs and aspirations for those occupying higher status. In the event of failure to achieve the aspired status or fulfil the increasing needs individuals tend to commit crimes either out of frustration or to fulfil the needs. Thus, the general conclusion is that either poverty or affluence may not be directly associated with crime; but economic conditions, particularly poverty have important role to play in generating situations in which a person becomes prone to committing crime.

Sociological approach to the understanding of etiology of crime is as old as the economic, biological and psychological approaches. Right from the beginning of thinking about the causal factors of crime in terms of man's deliberate conduct the social situations have been taken into consideration.

The starting point of sociological approach is that crime is a socially acquired behaviour and the criminal is a social product. 'Rather than seeking the causes of crime in the individual himself as hypothesized by biological and psychological theorists', as Schafer states 'the sociologist comprehends the criminal as a member of his social group, viewing him as a phenomenon whose criminal conduct originates in the abnormalities of his social existence or in society's behaviour toward him' (1969, p.234).

Tarde (1843-1904), Sutherland (1939) and their followers emphasised that criminal behaviour is learnt from other criminals or from those who favour violation of law. According to Donald R. Cressey (1953) criminal's rationalisations of his conduct are learnt through his contact with criminal behaviour patterns.

Another sociological approach to understanding the causal factors of crime is the cultural approach, which holds the view that cultural norms and values and their conflicts generate crimogenic behaviour. Donald R. Taft (1964) propounding his cultural theory of crime suggests that crime becomes phenomenal in the society, the culture of which is characterised by 'dynamic quality, complexity, materialism, growing impersonality, individualism etc.' (p. 275). Thorsten Sellin points out to cultural conflicts as breeding ground for crimogenic behaviour.

Within the framework of cultural theory, social disorganisation (Durkheim, 1863 and 1897, Merton and Nisbet 1966) social structural discrepancies (Merton, 1957, Cloward and Ohlin, 1960 and others) and sub-cultural norms and values (Cohen 1955) are held responsible for generating forces in society leading to committing all kinds of deviant behaviour including crime.

Although sociological theories are quite plausible, we have yet to test their validity as empirically viable theories. Most of these theories are based on assumptions. For example the theory of sub-culture or social disorganisation is not based on empirical test.

It is observed that none of the theories classified as biological, psychological, economic and sociological are able to provide us with the final answer to the question of etiology of crime. This may be, because of the facts that (a) the very concept of crime is relative and value oriented and (b) the crime behaviour is extremely complex. The meaning of crime varies from society to society and from time to time. The

changing nature of crime makes it difficult to arrive at any scientifically viable definition on the basis of which scientific investigation into the etiology of crime can be universally carried out.

Similarly, there are considerable variations in the crime behaviour which range from anything like pick-pocketing to murder. The behaviour and personality pattern of the criminals indulging in different types of crimes are quite different from each other. Thus it becomes extremely difficult to apply one category of theory i.e. psychological or sociological or economic in explaining the root cause or causes of becoming a criminal of one or other type. Most probably we may have separate theory about each group of criminal behaviour such as murder, theft, dacoity, forgery, etc. In such a framework the problem of defining the categorical concept such as murder, theft, forgery, etc. will be less cumbersome than defining the generic term 'crime'.

### The Area of Study

The present study had been carried out in Assam and Meghalaya of North-Eastern region of India. Its purpose was to examine the question—who are convicted criminals of Assam and Meghalaya, what are their socio-economic background, and in what type of crimes they are generally involved. Along with these questions, the problems of rehabilitation was examined.

Assam can be called the mother state of North-East India. Prior to creation of Nagaland, Assam practically comprised the whole of North-East India excepting, of course, Tripura and the present Arunachal Pradesh. By the North Eastern Areas (Reorganization) Act 1971 (Act No. 81 of 1971). Meghalaya was carved out of Assam by taking two districts, namely United Khasi & Jaintia Hills and Garo Hills. By the same act Mizoram, which was formerly the Mizo district of Assam was given the status of a Union Territory. The present state of Assam shares 74.68 per cent of total population of

north-east Indian states and Union Territories, namely, Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura. The population of Assam is heterogeneous comprising 10.99 per cent scheduled tribes, different caste Hindus and Muslim communities, scheduled castes, etc. This diversity of population gives a very good scope for the studying crimes in different cultural perspectives.

Though Meghalaya is a new state, it was taken up for the present study for two reasons; first, it was a part of Assam till January, 1972 and second, Meghalaya is one of those states in north-east India, where a substantial majority (80.48%) of the population belong to tribal communities. Another important aspect of Meghalaya is that all the three major tribal communities of Meghalaya, namely, the Khasis, the Garos and the Jaintias are matrilineal. It is also interesting to note that these are the only matrilineal communities in India having all the three features of matriliney, i.e. matrilineal inheritance, matrilineal descent and uxorilocal residence.

In tribal communities of Meghalaya there are built in structural means of adjustment of individuals with various social circumstances, as socialization in such small scale societies follows an informal line from early childhood till the old age through adolescence. In such societies, as Margaret Mead has shown, adolescence is not a period of turmoil. However, it is not that in such societies there is no deviation from the prescribed norms, but there is such an efficient built-in-mechanism of social control that deviations are in the minimum. The state of anomie, which Radcliffe-Brown would have called eunomia, is a symptom of healthy functioning of the society, which is usually the case when the society remains in a isolated state. But when such a society comes in contact with another cultural group with a higher degree of material advancement, there arises a clash of values, ideals and norms and so the society starts malfunctioning. Traditional modes of socialization becomes inadequate to cope with the new situation and the traditional means of social control become less effective, as a result of which deviations increase.

### Significance of the Study

This study will have the practical utility in finding out the ways and means to reduce crime incidence and to suggest ways and means for the rehabilitation of convicted criminals in the society. Such a study is felt to be urgently necessary as crimes are increasing in the tribal population of Assam and Meghalaya and it is necessary to take active steps to prevent crimes and to prevent criminals becoming habitual offenders. So far no comprehensive and systematic study on crime problem in the region has been conducted. We have no doubt some records of crime and delinquencies of the population under study maintained by police, and prison administrations and also by courts. But these records lack insightful analysis about the various facets of crime and criminal of the region. It is, in fact, a crying need to go into intensive and extensive studies of crime and criminals of the entire north-eastern region. The present study is likely to throw considerable light on different aspects of the pattern of crimes in the population of Meghalaya and Assam which have been remaining unexplored in the field of crime studies.

One of the major objectives of the modern penal system is to apply reformatory and corrective measures to the prisoners so that they can change their crimogenic behaviour and be able to live life like other law abiding persons. But this objective can be achieved only through the process of diagnosing the malaises of the personalities involving criminal behaviour. Social, psychological, economic and other circumstantial backgrounds may considerably vary in case of different criminals for which reason we need differential reformatory measures for different prisoners.

It is already indicated earlier that the criminals for that matter the prisoners of Assam and Meghalaya come from divergent ethno-cultural communities. It is, therefore, necessary to identify the different personality patterns of the prisoners in terms of socio-cultural background so as to adopt appropriate corrective measures for different groups of prisoners of Assam

Table 1.1  
Statistical Data according to 1971 Census

| District                 | Area<br>(Sq. km) | Total<br>Popula-<br>tion | Males   | Females | Density<br>of Popu-<br>lation<br>(Person) | Total<br>Rural<br>Popula-<br>tion | Total<br>Urban<br>Popula-<br>tion | Total<br>Scheduled<br>Tribe<br>Population | No. of<br>Towns |
|--------------------------|------------------|--------------------------|---------|---------|---|-----------------------------------|-----------------------------------|---|-----------------|
| Goalpara                 | 10,359           | 2,225,103                | 1154449 | 1070654 | 215                                       | 2052809                           | 172294                            | 308,287                                   | 12              |
| Kamrup                   | 9,863            | 2,854,183                | 1510149 | 1344034 | 289                                       | 2519028                           | 335155                            | 298,090                                   | 17              |
| Darrang                  | 8,775            | 1,736,188                | 919635  | 816553  | 198                                       | 1632445                           | 103743                            | 185,640                                   | 7               |
| Nowgong                  | 5,561            | 1,680,895                | 884938  | 795957  | 302                                       | 1561558                           | 119337                            | 125,115                                   | 4               |
| Sibsagar                 | 8,989            | 1,837,389                | 974419  | 862970  | 204                                       | 1682665                           | 154724                            | 125,311                                   | 9               |
| Lakhimpur &<br>Dibrugarh | 12,972           | 2,122,719                | 1135863 | 986856  | 166                                       | 1869839                           | 252880                            | 286,300                                   | 13              |
| Mikir Hills              | 10,332           | 379,310                  | 202347  | 176963  | 37  | 369110                            | 10200                             | 210,039                                   | 1               |
| North Cachar Hills       | 4,890            | 76,047                   | 41314   | 34733   | 16  | 70850                             | 5197                              | 52,583                                    | 1               |
| Cachar                   | 6,962            | 1,713,318                | 891126  | 822192  | 246                                       | 1577626                           | 135692                            | 15,283                                    | 8               |
| Khasi Hills              | 11,168           | 491,209                  | 255510  | 235699  | 44  | 368457                            | 22752                             | 380,069                                   | 4               |
| Jaintia Hills            | 3,296            | 113,875                  | 56959   | 56916   | 35  | 104946                            | 8929                              | 108,289                                   | 1               |
| Garo Hills               | 8,084            | 406,615                  | 208498  | 198117  | 50  | 391126                            | 15489                             | 325,872                                   | 1               |

and Meghalaya. It is important because reformatory measures also include rehabilitation. The prisoners after release must be put to right place for earning their livelihood in honest way. This goal can be, however, achieved by finding out the socio-economic backgrounds of the prisoners and their individual aptitude and interests in certain occupation.

One of the major objective of the present study is to examine the problems of rehabilitation of the convicts. The findings of the study may be helpful for the prison administration in formulating appropriate measures of rehabilitation programmes for the prisoners of Assam and Meghalaya. The penologists may also find, interesting facts relating to interests and aptitude of the prisoners belonging to so many divergent ethno-cultural communities.

From the foregoing discussion it can be concluded that the present study is going to be pioneering work in the field of crime and rehabilitation problems of Assam and Meghalaya. The study may throw new light on the relating criminal behaviour in different communities characterised by so divergent socio-cultural systems.

### Study of Crimes

Empirical study of crime in the modern fashion began after the works of Cesar Lombroso (1836-1909) who tried to explain the causes of criminal behaviour on the basis of observation of facts. Since then considerable empirical studies have been made by sociologists, psychologists, and others interested in crime problems in different parts of the world. These studies have produced a vast literature on the different facets of crime problems.

The theories so far advanced by leading authors of crime and delinquency can be broadly divided into physiological, sociological, psychological and economic. Of these, physiological explanations have been gradually declining vis-a-vis to

the increasing popularity of the other theories which have proliferated into so many sub-theories.

In Assam and Meghalaya crime study is still very limited. So far only a few Ph. D. and M.A. dissertations have been prepared on the studies of crime in Assam. To mention them we may refer to the works of Doley (1974 & 1977), Goswami (1969) and others. Doley's study on 'Crime Pattern in Assam' (1974) reveal some interesting facts about the social background of the criminals of Assam. He observed that majority of the criminal offenders of Upper Assam belong to the labour communities of tea garden of Assam. The other studies also show the same result. These studies showed that the bulk of the convicted criminals in Assam came from rural population and in terms of economic status they came from the lowest stratum. Among the causes, land dispute predominate in homicide (Doley, 1977 & Goswami, 1969) and economic poverty in theft. It is interesting to observe that superstitious belief in witchcraft also play important role in committing homicide among the tribal and tea garden communities (Doley, 1977).

It is to be noted that the studies referred to above are confined only to the prison population of the districts of Sib-sagar, Jorhat, Lakhimpur and Dibrugarh which constitute the Upper Assam region. For that matter these studies cannot be considered a comprehensive studies of crime problem of Assam as a whole.

So far, no study of crime problem has been conducted in Meghalaya. Studies on penal administration and correctional measures are also equally neglected in this region. We have no idea whatsoever regarding the problems of reformatory and correctional measures for the adult prisoners and delinquents.

However, the facts revealed in the studies referred to above suggest that we need more comprehensive and systematic studies of crime and delinquency in the north-eastern region which has its own socio-cultural characteristics. Higher incidents of crime in certain communities like the tea garden

labourers and rural population at large call for sociological explanation.

### Crime in Theoretical Perspective

Crime is a phenomenon found in all societies at all times. Taking a society as a whole we have to consider crime as a normal phenomenon. In this respect the famous sociologist Durkheim's remark is very relevant: "Crime is an integral part of all healthy societies, and is bound up with the fundamental condition of all social life, and by the very fact it is useful because these conditions of which it is a part are themselves indispensable to the normal evolution of morality and law". (Durkheim, 1895).

As a study of crime and rehabilitation of criminals we have three basic concepts that need operational definition in the present study. They are the concepts of crime, criminal and rehabilitation.

Crime has been defined by different authors in different ways. Some of the definitions are given below :

"Wrong which the government deems injurious to public at large and punishes through judicial proceedings". (Marshall and Clark, 1962)

"A crime is an act opposed to the established rule of a group as defined by law at a given time and place". (Krout as quoted by Vatsayava, 1978-79)

"A crime may be defined as an act which the law prohibits and punishes, which is almost always immoral according to prevailing ethical standard, which is usually harmful to society as organised at a given time and place; and whose repression is in the long run, necessary or supposed to be necessary for preservation of the existing social order." (Donal, 1958)

"Violation of prevalent sentiments of piety and probity." (Sutherland, 1947)

“Crime may be defined as anti-social behaviour which the group rejects and to which it attaches penalties.” (Elliot & Merrill, 1941)

It has been observed that different authors tend to explain the meaning of crime in different but closely related perspectives. The legal experts define crime, by and large, as ‘wrong which the government deems injurious to public at large and punishes through a judicial proceedings in its own name’. In this definition there are two basic connotations—first, crime refers to all those acts which are prohibited by law as something ‘wrong’ and secondly, crime is a commission or omission of acts, which is deemed punishable according to legal procedures. From this definition it is clear that the meaning of crime is dependent on law promulgated by the public authorities from time to time. Any acts becomes crime at any time if it is declared to be so by the state; and similarly it ceases to be crime as soon as the state stops calling it crime. Moreover, different countries have their own legal systems which are not necessarily the same in character and content. In fact, different countries have different body of laws in which the acts defined as crime differ from that of another to a large extent. An act defined as crime in one country may not be so in another. Even within the same country definition of crime may vary among the different ethno-cultural groups, which have their own social system. Thus, it is observed that the meaning of crime varies from time to time and society to society. It is a relative concept in terms of time and place.

Further, the legal definition of crime ‘gives no inkling of the extraordinary complex nature of crime, of its significance as a social and psychological phenomenon, of varying response which criminal behaviour elicits, nor does it tell us anything of the real and symbolic roles of criminal in society, sometimes perceived as a danger and a threat, sometimes as an object of jealousy and envy...’ (Klares, J. H.. 1966, p.1).

Criminologists, on the other hand, tend to define crime as ‘violation of prevalent group norms including morale conduct’.

Garafalo defines it as 'violation of prevalent sentiments of piety and probity' (Sutherland & Cressay, 1968). For Makarevich 'a crime is an act by a member of a given social group, which by the rest of the members of that group is regarded as so 'injurious or as showing such a degree of anti-social attitude in the actor that the group publicly, overtly and collectively reacts by trying to abrogate some one of his rights' (Wolfgang, E.M. & Others ed. 1962). To provide wider meaning to crime in normative and value perspectives Znaniecki also states that 'individual behaviour which endangers a collective system and threatens to harm any of its elements is not only a harmful act, but an objectively evil act, a violation of social validity, and offense against the superior dignity of this collective system...The best term to express the specific significance of such behaviour is crime' (Znaniecki, 1936).

Definition of crime based on normative approach as given by the criminologists mentioned above lacks precision for any scientific study of the problem. The word 'norm' is a blanket term used to cover a wide range of codes of conduct in day to day behaviour or activities of a person. It is generally observed that different social groups, particularly in modern heterogeneous societies, have different normative systems, which in some cases contradict each other. If crime is defined as violation of norms, question arises 'violation of whose norms'? Human society, as we all know, is formed by different social groups, which have their own sub-systems of norms and values. Violation of norms, therefore, can not be viewed as violation of norms of all the groups. Moreover, violation of one or other kind of norms does not necessarily mean injury or harmful to the society at large. Even the concept of injury or harm is subjective one. An act may be considered harmful by a particular group but not so by another group. Norms vary in the process of social changes. Thus, normative approach to crime definition is not free from ambiguities.

The concept of crime, as evident from the definitions provided in legal and criminological literatures, is not based on the intrinsic merit of an act but on the value concept of a society

at a given point of time. Therefore, 'there can never be a satisfactory definition of crime' (Klare, J.W., 1966, p. 1). However, for the purpose of the present study we define crime in the same framework of legal definition as stated earlier. We consider crime as an act of commission or omission which warrants punishment according to penal law of our country.

Definition of crime in legal terms, despite all its limitations, is more specific and distinctive in its scope and contents—than the definitions based on norm concept. It is, therefore, more acceptable for empirical study of crime problem.

The next important concept associated with the basic theme of the present study is 'criminal'. From the legal point of view, a criminal is one, who is convicted by a judicial court on charge of violating any provision of the penal laws. But 'a number of criminologists today maintain that mere violation of the criminal law is an artificial criterion of criminality, that categories set up by the law do not meet the demands of scientists because they are of a 'fortuitous nature' and do not 'arise intrinsically from the nature of the subject matter.' These scholars suggest that, as a part of the general study of human behaviour, criminology should concern itself broadly with all anti-social conduct, behaviour injurious to society...anti-social conduct is essentially any sort of behaviour which violates some social interests. (Tappan, W.P. in Vedder, B.C., Koenig S. & Clark, E. R. *et al ed.* 1953). But it is difficult to define and specify social interests. There may be number of violators of social interests in varying forms but they are not necessarily found guilty of acting against the interests of other by penal law and therefore, convicted as criminals. On the other hand, some non-violators of social interests may be convicted as criminals on some technical legal ground. Thus, in persuing scientific study of crime problem it becomes difficult to select a person as criminal although he may be imprisoned as criminal by a judicial court. For an objective study it is, however, worthwhile to consider a criminal as a person convicted by any court of law on charge of violating a provision of the penal law. In fact, for the purpose of the present study we have considered

all those who are imprisoned in the prisons of Assam and Meghalaya as convicted offenders as criminals.

Foregoing analysis clearly indicates that the concepts of crime and criminal are not always explicit, and for that matter scientific. Nevertheless, for the purpose of objective study legal definitions of these concepts are more plausible than the definitions based on normative or conduct approach. We have, therefore, adopted the meaning and implications of legal definitions of the concepts of crime and criminal.

The third important basic concept of the present study is the problem of rehabilitation. Convicted criminals who are imprisoned for sometime generally face considerable difficulties in getting themselves adjusted with their own social milieu when they return from the prison. Most of them lose job, land and other means of livelihood while they stay in prison. Such persons face stark realities of economic deprivation after their release from prison. Some convicts again lose social status, and suffer from all kinds of social ostracisation if not ex-communication. As a result of all these situations some of the convicts turn to criminal activities after release from prison. Some, however, silently and helplessly tolerate all the sufferings that come upon them while they get release from the prison. These problems arise out of several social situations. First, as soon as a person gets conviction by a penal court he or she suffers from social stigmatisation. The convict is branded as 'criminal' irrespective of under what circumstances he or she might be convicted. Secondly, whenever a person is convicted by any court of law as criminal he or she tends to lose certain rights and privileges enjoyed earlier. Lastly, a person once convicted as criminal becomes suspected by his or her other fellow associates. In the light of these situations we define for the purpose of the present study the concept of rehabilitation of the criminal as measures that enable them to find ways and means to earn their livelihood and also adjust themselves into their earlier social milieus after release from prison. Adjustment with social milieus is somewhat imprecise in its meaning and scope; because

psychological elements are involved in the process of adjustment. We, in the context of this study, emphasise more on the measures of earning livelihood and maintaining economic status of a convict criminal. In other words, the term rehabilitation refers primarily to the measures of economic settlement.

It may be pointed out that the present study does not maintain any distinction between adult criminals and delinquents. All persons found imprisoned on charge of violating any of the provisions of penal law of India are treated as criminals irrespective of age, sex and any other differential status.

### **Limitations of the Study**

The present work is essentially a descriptive study of crime and problem of rehabilitation of criminals. The term 'study of crimes' refer to finding out socio-economic background of the persons who have been generally convicted as criminals in Assam and Meghalaya, the motivating causes or circumstances under which criminal committed crime and to understand their ethnic, cultural and rural-urban backgrounds. This is purely a socio-economic approach to understand the problem of crime and its associated problems in Assam and Meghalaya. The psychological and other geo-political or biological aspects are not taken into consideration except as point of reference.

The second part of the study is concerned with the problem of rehabilitation of the convicted criminals. It means, the understanding of the different aspects of rehabilitation of the criminals after their release from time to time. The study does not examine merits and demerits of the existing schemes of welfare or rehabilitation measures undertaken by the present administration of prison in Assam and Meghalaya. It only deals with the issue of what are the problems of rehabilitation faced by the prisoners and administration; and how do the prisoners view the problems and how far they are mentally prepared for the same.

At geographical level, the present study is confined to.

the problems of crimes within the geographical boundaries of Assam and Meghalaya. In fact, the study is concerned only with prisoners, who have been imprisoned in different prisons of Assam and Meghalaya at the time of conducting the field investigation, i.e. June 1983 to December 1983. Thus, the study can be called as the study of prisoners of Assam and Meghalaya irrespective of the fact where from the prisoners may come.

In this study no attempt has been made to test any hypothesis or validity of current criminological theories. The study is confined to the scope of understanding the socio-cultural background of the prisoners and their problems of rehabilitation. Thus the study can be called as practical goal oriented study rather than theoretical one.

### Methodology

In framing the research design of this study, our first problem was to identify the criminals; and accordingly we considered only those who were apprehended and convicted as criminals. For the category of crimes they committed we had to depend upon court records, for in many cases, we found that the convicts denied the charges. All the convicts staying in prisons in Assam and Meghalaya during the period of our field investigations (i.e. from May 1982 to December 1982) constituted the total universe of our study.

The first point of reference in data collection was the convicts. Names of the convicts, their detailed bio-data, home address, prison terms, nature and other details about the crimes committed by them were noted down from prison records. Each convict was then interviewed in camera to ascertain the following :

- (1) Prisoner's own version of the crime.
- (2) How far the prisoner was repentant for his/her crime.
- (3) What are prisoner's plans for the future, i.e. after he or she goes back to home.

- (4) What is prisoner's relationship with his/her kinds.
- (5) Prisoner's socio-economic background.
- (6) Impact of the correctional programme on the prisoner.
- (7) Prisoner's conduct in the prison.

The Second point in data collection was the families of the convicts. The Field Investigators were sent to the families to determine their :

- (a) attitude towards the convict,
- (b) how far they were ready to accept him/her in the family.
- (c) whether they were suffering from any social disadvantage due to the fact that a convict happens to be a member of his family.

As time and resources at our disposal did not allow us to take up all the convicts for the second objectives of the study, we selected only 80 convict prisoners for murder and dacoity on random basis from the two states, 70 from Assam and 10 from Meghalaya. However, it must be admitted that Assam agitation against foreign nationals started when our investigators were in completing the prison investigation and as they had now to work in the villages, in the families of convicts, naturally some sort of apprehensions on the part of the villagers hindered their work and we could not do full justice to this part of our study.

The third point in data collection was the society where the criminal will have to be rehabilitated. The Field Investigator held group discussions with the functionaries of the village authorities to elicit information about previous cases of such criminals coming back to the society, their present status in the society, whether they develop the tendency to become habitual offenders, whether the society has any effective means to control them, so on and so forth.

The nature of data collection in the first two points was different from the third. Whereas in the first two points data

were collected objectively, that is, recording that the informants answered to our questions, while in the third point a general assessment was to be made by the Field Investigator about the possibility of rehabilitation of the convict and all such assessments for each community was summed up.

For the purpose of collecting data the whole area of our study was divided into two zones, namely Dibrugarh comprising the districts of Dibrugarh, Lakhimpur, Sibsagar and Darrang; and Guwahati zone comprising the districts of Kamrup, Nowgong, Goalpara, Cachar and all the districts of Meghalaya. There are no prison in the districts of North Cachar Hills and Karbi Anglong of Assam. Six Field Investigators who were Post-Graduate degree holders in Anthropology or Sociology did the field work, two in Dibrugarh zone and four in Guwahati zone. The field work in each zone was supervised and directed by two expert consultants. The investigators were trained up by the respective expert consultants before starting their field work.

For collection of information from the convict prisoners four schedules were prepared with a view to collect information on :

- (a) details about the convicts from prison records.
- (b) personal background of the convict—respondents.
- (c) details of the crime committed by individual prisoner respondents and
- (d) investigator's assessments on the motivating factors of crime.

These four schedules are given in appendix I.

After collection of information the answers in the data cards were put into certain categories. The data were then tabulated prison as well as district-wise. But as will be seen from the analysis given in Chapter III no striking variations were found among the districts. So all the tables on Assam

districts were consolidated into one master table from which separate tables were prepared keeping in view the correlations we sought. The data were analysed by finding out percentages and no other method of statistical inference was employed.

So far the observations in the village homes of the convicted prisoners were concerned the following procedures were employed :

1. Observation by our Investigators in the families of the convicts. They visited the families of the prisoners at their respective home place.
2. The units of observation in this case were all the members of the convict's families, who, at the time of investigator's visits, were available.
3. The observations were supplemented by discussion with the leading persons of the villages. Wherever possible these discussions were held in a group in which the Investigators were the participants.

Though our schedules were carefully pretested, it was found that some of the convict informants avoided answering some of the questions and in answering some questions they tended to give wrong or distorted informations.

Some of the convicts did not cooperate with the investigators in giving informations for scheduled B and C. Some of the convicts did not give any information, because they were mentally unsound or for some reason did not like to give information. Such convicts totalled 57 in Dibrugarh, Tezpur and Jorhat jails and most of them were murderers.

The question for which it was most difficult to get a correct answer was the question about motive of the crime. So, in discussing motive in this report we had to omit those convicts whose real motive of the crime could not be assessed by the investigator.

## Summary and Recommendations

### Summary

This study of crime and social rehabilitation of criminals in Assam and Meghalaya was of an exploratory nature to find out social variability of crimes in these two states of north-east India. The study also attempted to find out the problems of social rehabilitation of criminals of different categories.

To be explicit in the purpose of the study we have discussed the concepts of crime, criminal and rehabilitation as our operational definition.

The universe of the study comprised 821 convicts in different prisons in Assam and 40 convicts in Meghalaya. Crime category-wise break-up of these convicts is as follows:

|        |              |    |     |             |
|--------|--------------|----|-----|-------------|
| Assam: | Rape         | .. | 13  |             |
|        | Murder       | .. | 627 |             |
|        | Dacoity      | .. | 40  |             |
|        | Theft        | .. | 59  |             |
|        | Other crimes | .. | 82  | Total : 821 |

|            |         |    |     |            |
|------------|---------|----|-----|------------|
| Meghalaya: | Rape    | .. | Nil |            |
|            | Murder  | .. | 8   |            |
|            | Dacoity | .. | Nil |            |
|            | Theft   | .. | 24  |            |
|            | Other   |    |     |            |
|            | crimes  | .. | 8   | Total : 40 |

All information of the convicts were collected from prison records. Information about their personal background and motive of crime were collected by interviewing them in camera and information concerning rehabilitation of the convicts were collected from the convicts' families and villages.

The crime statistics of both Assam and Meghalaya show on the whole on gradual increase, but the rate of increase is not uniform in case of all categories of crime. In Assam high rate of crimes is found in the districts of the Brahmaputra valley namely Lakhimpur, Dibrugarh, Sibsagar, Kamrup and Goalpara but the hill districts like North-Cachar Hills and Karbi Anglong which are predominantly inhabited by tribal populations show very low rate of crime incidents. In Meghalaya, comparatively high rate of crime is found in Khasi and Jaintia Hills but in Garo Hills the incidence of dacoity, cattle theft and burglary is more than that of Khasi & Jaintia Hills. Though the number of convicts do not indicate anything about actual occurrence of crimes in particular district or region still there is a ratio between commission of crimes and conviction for crimes. So an analysis was attempted to have an idea about crimes from the convicts studies. In Assam 76.37% of the total convicts were murderers who formed the highest percentage among the convict prisoners and the lowest percentage (1.58%) being that of prisoner convicted for rape. In Meghalaya, prisoners of theft occupies the highest position (60.00%) followed by murder and other convicted prisoners (each 20%). Absence of prisoners for crime of rape and dacoity in Meghalaya is noteworthy.

In the classification of prisoners in terms of ethnic communities, Bagania (tea garden labourer) occupies the highest position among the convicts. It was found that the general pattern of population is reflected in different categories of crimes. But some noteworthy exceptions could be found. Among the dacoity convicts a high percentage of scheduled tribes have been found and among the murder convicts the percentage of Baganias is quite high. In Meghalaya 60% of the prisoners belong to scheduled tribes though in the state as a whole their population is 80.48%.

In Assam only 1.09% and in Meghalaya 2.5% of the convicts were females. In Assam, most of the prisoners (70.76%) belong to the age group 24 to 45 years in all categories of crime although in case of the dacoity prisoners of 45 years old and above predominate. In Meghalaya the percentage of younger convicts (below 24 years of age) is higher than the upper age group. In Assam 65.52% and in Meghalaya 47.50% of the convict prisoners were illiterate. No correlation can be drawn between the categories of crimes and educational status. We also tried to find out any correlation existing between marital status, family type, previous occupation of the convicts and crimes. But at the present stage of enquiries no correlation could be found. In Assam 74.90% of the prisoners did not have any previous record of crimes. Only the older convicts (45+ age group) have previous record of crimes. In Meghalaya none of the prisoners had been found with previous record of crimes. In Assam most of the prisoners stated that their family life was happy before they came to prison but in Meghalaya those who stated their family life to be unhappy form a large percentage. Most of the offenders in Assam and Meghalaya had a rural background, but no crime categories were found to have associated with rural-urban background. Some crimes like murder, theft, rape, cheating, dacoity etc involve victims whose role is also important in occurrence of a crime. Thus the question who were the victims become important in a crime study. In this present study it was found that most of the victims of murder were either close relations or known to the perpetrators. We found that the largest percentage of

cases in Assam in which victims were related to the offenders were found among the murder convicts. In Meghalaya out of all the convicts only 2 admitted that the victims were their kins.

Of the total prisoners convicted for murder in Assam 90 (14.35% stated that they were falsely implicated in the cases while 198 (31.59%) stated the cause of murder as land dispute. Another very common cause of murder was found to be sudden provocation and altercation. In Meghalaya the majority of the causes of murder was altercations and there was no murder as a result of land dispute.

Studying the problem of rehabilitation we found that in most of the cases in Assam the family and village situation of the convicts were congenial for rehabilitation. It was also very interesting to note that the long-term prisoners have a keen desire to lead a settled life after their release from prisons. In this respect the situation in Meghalaya is not different from that in Assam.

In Assam most of the convicts have regular contact with their families but in Meghalaya the percentage of convicts who have lost contact with their families is very high and that too among the convicts of the younger age group. It is also interesting to note that both in Assam and in Meghalaya long-term prisoners were keeping more regular contact with their families than those serving short-term of imprisonment.

We could not find out any correlation between nature of crimes and contact of the convicts with their families. Rather in most cases it was found that family members justified the crimes rather than condemning the convicts for their crimes. It was felt that rehabilitation will be a problem in case of habitual offenders of older age group.

### **Recommendations**

- (1) Study of convicts is only a part of the study of crimes.

It takes into account only the crimes which have been detected; but there are more crimes which go undetected.

(2) As most of the convicts of Meghalaya are of younger age-group, and most of them are illiterate, some facilities must be provided for training in various vocations, in the prisons of Meghalaya.

(3) Special measures for rehabilitation of habitual offenders will be necessary. After release follow-up steps should be taken up so as to get them adjusted with their families and neighbours.

(4) The problem of large number of convicts losing contact, at the time of staying in the prison, with their families in Meghalaya needs intensive investigation.

(5) The prison administration and for that matter the government should take up measures against disruption of family and economic holdings of prisoners during their stay in prison. This can be achieved through co-ordination with village panchayat and similar other public agencies or organisations. For the purpose of the scheme, details regarding economic and family background of the prisoners should be collected and necessary measures should be taken up in the light of the particulars.

(6) As soon as a convict is admitted into a prison he/she should be put to certain vocational training programme according to his/her interest and aptitude. This programme should be designed to enable the person to take up similar type of vocation after release from prison. Such programme should be taken up keeping in view the need of the short timers, the long timers and of different age groups.

In the preparatory stage of releasing a prisoner steps may also be taken to explore the avenues of employment with some organisations for the prisoners after release. For those who desire to rehabilitate themselves in self-employment scheme, measures should be taken to arrange the necessary infrastructure and capital requirement for the proposed scheme. Such arrangement will not only help the prisoners in immediately getting into an occupation but also provide great incentives for taking up self-help vocation.

(7) For rehabilitating the prisoners workshops should be established at different places so that the trained up prisoners can produce the same type of goods and services, which they used to do in the prison. Such workshop should be run by government department and the workers should be paid on the basis of wage-cum-bonus system. Once such workshops are established the prisoners will feel encouraged to undertake training in various trades and crafts.

(8) Provisions should be made to employ ex-prisoners in public and private organisations on the basis of recommendation of the prison authorities. For employment in such organisations arrangement should be made through the prison administration for records of good conduct, aptitude, interests and other requisites for employment.

The recommendations are based on the views, opinions, suggestions from different corners dealing with the problem of crime and prison administration and the prisoners themselves.

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