



Centre For Law, Economics and Society (CLEES) Update

January to February 2026



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Theme-wise Summary of the Report

Theme 1: Accused-Centric Analysis of Criminalisation in Assam

Theme 1 examines patterns of criminalisation in forty criminal cases from Assam by centring the perspective of the accused. The analysis highlights how identity, particularly religion, and socio-economic vulnerability intersect with the functioning of the criminal justice system at the stage of FIR registration and investigation. A significant concentration of cases involves Muslim accused, often named collectively under serious charges such as criminal conspiracy and sexual offences, with limited individualised attribution of conduct. The theme also reveals that most accused persons belong to economically marginalised or informal employment backgrounds, while socio-economic details are frequently omitted from official records. By classifying each case according to a primary legal accusation, the analysis demonstrates how charge-stacking and reliance on high-penalty offences intensify procedural vulnerability for accused persons. Overall, Theme 1 underscores structural patterns that expose certain groups to heightened criminal justice intervention even before judicial scrutiny begins.

Theme 2: Representation, Diversity, and Power within Civil Services

Theme 2 shifts the focus from those subjected to criminalisation to those who exercise institutional authority within the justice system. Through the upcoming CDPP–CLES Podcast with Mr. Sayed A. Huda, IPS, this theme will examine the persistent underrepresentation of marginalized communities within the civil services, particularly at leadership levels. The podcast will explore the structural and cultural barriers faced by aspirants from marginalized backgrounds both prior to entry and during service, including constraints related to access, informal exclusion, and limited career progression. It will also reflect on how the presence or absence of diversity within the civil services shapes institutional decision making, public trust, and perceptions of legitimacy in policing. By engaging with lived experience and institutional realities, Theme 2 seeks to foreground the need for concrete reforms and cultural change to move towards a more inclusive and representative civil services framework.

Theme 1: Socio-Legal Analysis of 40 Criminal Cases from Assam

(January–February Period)

Methodology and Scope

This report analyses **40 criminal cases from Assam**, each treated as **one unit of analysis**, irrespective of the number of accused persons or penal sections invoked. The analysis is conducted **from the perspective of the accused**, examining how religion, socio-economic position, and the nature of allegations shape exposure to criminal prosecution. In recognition of the fact that many FIRs invoke **multiple penal provisions**, this report classifies each case according to **one primary legal accusation**, identified based on:

- the gravest offence alleged,
- the core narrative of the FIR,
- and the offence most likely to determine arrest, bail, and trial trajectory.

Secondary allegations are acknowledged separately to avoid analytical erasure while ensuring **numerical consistency across tables**.

I. Religion of the Accused

Analytical Observations (Accused Perspective)

- Out of the 40 cases analysed, **28 cases (70%) involve Muslim accused**, **11 cases (27.5%) involve Hindu accused**, and **1 case (2.5%) does not specify religion**.
- From the accused's standpoint, this distribution is significant because it reflects **patterns at the earliest stage of criminalisation**, i.e., FIR registration and naming of accused, where police discretion is at its highest.
- A notable pattern emerges in cases involving Muslim accused, where **multiple individuals from the same community or locality are often named together**, frequently without clear differentiation of roles.
- For example, in the case of SL1, both accused are jointly implicated under conspiracy-related provisions, with the FIR failing to specify distinct acts attributable to each individual.
- Similarly, in the case SL 2, two individuals are named together under serious penal provisions, exposing both accused to identical legal consequences despite the absence of individualized factual attribution.
- In contrast, cases involving Hindu accused—such as the case against **SL 4**,—tend to involve **single accused persons**, with allegations framed around specific acts such as personal disputes or economic transactions.

- From the accused's perspective, this differential framing heightens the vulnerability of Muslim accused to **arrest, custodial interrogation, and prolonged pre-trial processes**, even before judicial scrutiny begins.

Table 1: Religion-wise Distribution of Accused Across 40 Cases

Religion	Number of Cases	Percentage
Muslim	28	70%
Hindu	11	27.5%
Not Mentioned	1	2.5%
Total	40	100%

II. Socio-Economic Background of the Accused

Analytical Observations

- Examination of occupational details reveals that **a majority of accused persons belong to economically vulnerable or informal employment backgrounds**, including daily wage labour, driving, petty trade, and other forms of insecure livelihood.
- In **60% of the cases**, socio-economic details are **not recorded at all**, which from the accused's perspective results in the erasure of contextual factors that could otherwise inform decisions on arrest, bail, or proportionality.
- Where employment details are available, the accused are overwhelmingly located within **low or lower-middle socio-economic categories**, reflecting the disproportionate criminal justice burden borne by economically marginalised groups.
- For instance, in the case of SL 1, both accused are described as engaged in menial or informal labour, a factor that directly limits their ability to secure timely legal representation.
- The case SL 3 reflects vague or incomplete employment recording, reinforcing the invisibility of economic precarity within criminal case documentation.
- Only one case—**SL 5**, identified as an *Agniveer* personnel—reflects relatively stable employment, highlighting the near absence of accused from secure, salaried backgrounds.
- From the accused's standpoint, economic vulnerability operates as a **silent aggravating factor**, increasing exposure to arrest, delayed bail, and compliance burdens.

Table 2: Socio-Economic Background of Accused Based on Available Records

Socio-Economic Category	Number of Cases	Percentage
Low SES (daily wage, menial work, drivers)	9	22.5%
Lower-Middle SES (small business, informal trade)	6	15%
Middle SES (stable employment)	1	2.5%
Not Specified / Unclear	24	60%
Total	40	100%

III. Nature of Allegations Against the Accused

(Primary Legal Accusation per Case)

Analytical Observations

- When each case is classified by **one primary legal accusation**, criminal conspiracy emerges as the most dominant allegation, shaping the procedural trajectory for a significant proportion of accused persons.
- Sexual offences constitute the second-largest category, reflecting the criminal justice system's reliance on **high-penalty, high-stigma offences** that justify immediate custodial action.
- Violence-related accusations and economic offences such as cheating and forgery form a substantial portion of cases, often arising from interpersonal disputes or informal transactions.
- While only one primary allegation is assigned per case for analytical clarity, it is important to note that **26 out of 40 cases involve multiple penal provisions**, demonstrating the prevalence of charge-stacking.

Table 3: Primary Legal Accusation Assigned to Each Case (n = 40)

Primary Legal Accusation	Number of Cases
Criminal Conspiracy	14
Sexual Offences	8
Voluntarily Causing Hurt / Violence	7
Cheating / Forgery	6
Property Offences (Theft/Robbery)	3
Kidnapping / Abduction	1
Other / Miscellaneous	1
Total	40

Supplementary Note:

- **26 cases** involve more than one legal accusation.
- **14 cases** involve a single dominant allegation.

IV. Intersection of Religion and Primary Legal Accusation

Analytical Observations

- Mapping religion against the **primary legal accusation** reveals persistent disparities even after eliminating double counting.
- Muslim accused are disproportionately represented in cases where **criminal conspiracy and sexual offences** constitute the central allegation.
- Hindu accused appear more frequently in cases where **violence or miscellaneous offences** form the primary accusation, suggesting differential framing of alleged conduct.
- From the accused's perspective, this intersection indicates that **structurally complex and high-penalty offences** are more readily attributed to minority accused.

Table 4: Intersection of Religion of the Accused with Primary Legal Accusation

Primary Legal Accusation	Hindu	Muslim	Not Mentioned
Criminal Conspiracy	4	10	0
Sexual Offences	2	6	0
Voluntarily Causing Hurt / Violence	4	3	0
Cheating / Forgery	2	4	0
Property Offences	0	3	0
Kidnapping / Abduction	0	0	1
Other / Miscellaneous	1	0	0
Total	13	26	1

Key Findings

- Muslim accused are disproportionately represented at the **point of criminal accusation**, particularly in conspiracy and sexual offence cases.
- Economically marginalised individuals form the overwhelming majority of accused, while socio-economic context remains largely undocumented.
- Charge-stacking is common, with most accused facing **multiple allegations** even when one offence dominates procedurally.
- FIR narratives often lack **individualised attribution of conduct**, increasing procedural vulnerability for accused persons.

40 Full case details available here (Anonymised names): https://cdpp736-my.sharepoint.com/:x:/g/personal/moumita_cdpp_co_in/IQAl2u1j84d6TKdimQm0CPpWAFkO1-XU2ONba8I19B6KHA?e=l43yfx

Theme 2: Upcoming CDPP–CLES Podcast on Representation and Diversity in Civil Services

As part of the continuing engagement with questions of structural inequality within the justice system, Theme 2 focuses on representation, diversity, and institutional power in the Indian civil services. Building on the concerns raised in Theme 1, which examined patterns of criminalisation and vulnerability at the level of the accused, this theme shifts attention to the other end of the institutional spectrum. It examines who occupies positions of authority, how decisions are shaped within state institutions, and what underrepresentation means for governance and public trust.

The CDPP–CLES Podcast, proposed to be held on 12 February 2026 at 11:00 a.m. onwards at the CDPP Office in Hyderabad, will feature Mr. Sayed A. Huda, IPS, in a reflective conversation on his journey into the Indian Police Service and his experiences within the system. The discussion will explore how social background, access, and institutional culture shape entry into the civil services, as well as the early professional years of officers from underrepresented communities.

The conversation will critically examine the continued underrepresentation of certain social groups in the civil services despite constitutional guarantees and decades of reform. Drawing from lived experience, the podcast will address the barriers faced by aspirants from marginalized backgrounds both before entering the services, such as limited access to resources, mentorship, and networks, and after joining, including informal exclusion, bias, and challenges in career progression. Particular attention will be paid to the visibility of underrepresentation at leadership levels and the structural factors that prevent many officers from reaching senior positions.

The podcast will also reflect on how diversity, or the lack of it, influences institutional decision making, policing practices, and public trust. It will examine the role of institutional culture in sustaining bias as well as its potential to challenge entrenched hierarchies. The discussion will conclude by identifying concrete reforms and policy shifts necessary to make the civil services more inclusive, and by offering grounded advice to young aspirants from underrepresented communities who continue to aspire to public service despite systemic discouragement.

About CLES

The Centre for Law, Economics and Society is a CDPP initiative that seeks to research on the legal landscape in India. Research areas will include the challenges people face to access legal justice and identify areas of improvement to provide quality legal aid services.

Access to justice means that individuals can have their legal rights and grievances addressed through the legal system. However, in India, access to justice faces many barriers like the high cost of legal services, lack of legal representation in certain areas of the country, and a high number of pending cases discouraging people from seeking legal justice. Additionally, it is recognised that access to justice can be particularly challenging for marginalised groups in India, such as Muslims, Dalits, indigenous people, and women. These groups may face discrimination and social barriers that make it harder for them to access legal remedies and justice.

The Constitution of India has provisions for legal aid services to ensure that everyone has access to justice regardless of their financial circumstances. However, legal service institutions are not able to provide quality services due to a lack of infrastructure, uneven human distribution, and inefficient utilisation of funds. Through research, we aim to provide insights into the lacunae in the legal process with a focus on the marginalised sections of the society.

CLES Advisory Board

- M. N. Rao, Former Chief Justice, of Himachal High Court and Former Judge of the Andhra Pradesh High Court
- Faizan Mustafa, Former Vice Chancellor, NALSAR
- Shafeeq Mahajir, Senior Counsel
- Sanjay Chadha, Senior Counsel, Supreme Court of India
- Aman Wadud, Lawyer, Guwahati High Court
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