Overrepresentation of Minorities in Jails

What is the issue?

The National Crime Records Bureau (NCRB) reports show that in almost all the states of the Indian Union, irrespective of the party holding office, religious minorities are over-represented in jail.

What is the report about?

- **Prison Statistics India** is an annual report being brought out by the National Crime Records Bureau (NCRB).
- This is the only annual statistical publication started by NCRB whereas other publications have been started prior to the constitution of NCRB and continued by NCRB.
- The data for the report is collected from Prison Headquarters of all States / UTs.
- The first edition of the report pertains to the year 1995 and the latest edition of the report pertains to the year 2019.
- The report contains information on prisons, prisoners and prison infrastructure.
- Separate chapters on numbers and available capacity of different types of jails, strength and training of jail officials and prison budget and expenditure have been included in the report.
- To present a comprehensive view on different aspects of prison inmates, sex-wise, age-group-wise and demographic information of prison inmates has been given in separate chapters.

What does the report say on representation of minorities in prison?

- The report shows that people minorities are over-represented in Indian jails.
- **Muslims**- Muslims are over-represented among jail inmates in almost all the Hindu-majority states and from 2014 to 2019, they represent 19 to 21% of the undertrials.
- In states such as Assam, Kerala, Karnataka, the percentage of convicted Muslims is much lower than their percentage amongst undertrials.

- The percentage of Muslim convicts is equal to the percentage of Muslim undertrials in only one state, Tamil Nadu (11 %).

- The only major state where Muslims have been under-represented among the undertrials is Bihar, where the latter are 15 % when Muslims constitute 17 % of the population.

- **Hindus-** Hindus are overrepresented among jail inmates in the only Muslim majority state, Jammu and Kashmir.

- In this state, where Hindus represent 28.5 % of the population, they were 34 to 39.5 % of the undertrials and were 42.6 to 50.5 % of the convicts between 2014 and 2019.

- **Sikhs-** In Punjab, Sikhs (58 % of the population) tend to be under-represented among the undertrials at 51% in 2019 whereas Muslims (2% of the population) are over-represented at 4-5 %.

What does this data indicate?

- **In almost every state, the minorities are over-represented in jail and the majorities are under-represented.**

- This is a clear indication of the **communalisation of the police** that tends to prevail, irrespective of the ideology of the ruling party.

- The data on conviction rate shows that when the judiciary take up the cases of many undertrials, the judges realise that there is not enough evidence and they release people who have spent a lot of time in prison for no reason.

What reasons can be attributed to the over representation of minorities in the prison?

- **Hostile to minorities-** A study by Germany-based anthropologist and Australia-based economist argues that India indeed is unfriendly, if not hostile to its minorities, including Dalits and Adivasis.

- The study makes an interesting point that Indian democracy is is very much in line with western democracies where minorities are over-represented, whether they are Blacks and Hispanics in the US, Muslims and Blacks in the UK, Muslims (of African and Arab origin) in France, or Aboriginals in Canada and Australia.

- **Prejudices against minorities-** Deeply-entrenched prejudices against minorities play an important role in their harassment and incarceration.

- Hundreds of minority youths have been rotting in several jails on terror related and other charges.

- **Normalising crime against minorities-** The punitive nature of the institutions in the country is more troublesome that hate crimes against Muslims in particular and other minorities in general seem to have become normalised.

- Communal riots, fake encounters, and lynching of minorities may lead to an uproar in certain sections but the perpetrators mostly go unpunished.

- **Poor representations of minorities in government institutions-** In government institutions such as police force and judiciary, the representation of minorities is abysmally low.

- According to 2013 data of NCRB, only 6.27 per cent of country's police personnel were Muslims and the percentage further goes down as the rank goes up.

References

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