

Investigation of the link between such over representation in the custodial system with underrepresentation in judiciary and police forces needs serious study and deliberation.

Implications for the Community and Country

The TISS Study shows that a majority of the Muslim prisoners are young (between 18-30 years), 89.6% are illiterate or semiliterate, poor (with 25% unable to afford a lawyer) and 75% arrested for the first time. Studies have shown that three fourth of innocents arrested take to crime and become repeaters. The implication is that more and more Muslim youth, especially from poor backgrounds, may be forced into a life of crime. America is imprisoning 3% of its black population and if we are not careful then 3% of Muslims of India (or about 68 Lakhs equivalent to the population of Himachal Pradesh or of Hyderabad city) may soon be in prisons as hardened criminals due to communal profiling by the police and the judicial system. This is no good news either for the community or the country.

Accountability of Police and Judiciary

Police officials and judges also come from society and are affected by general prejudices. A Study in US published in October 2012 has "[demonstrated conclusively](#)" that racial bias affects all parts of the criminal justice system. This study has shown that blacks are far more likely to be arrested than whites, received 18% more convictions for similar offences and get longer prison sentences. Similar discrimination is certainly possible against the Muslim community in India and should be studied systematically before it can be discounted or dismissed.

Apart from being booked for petty crimes and interned for long periods, Muslims are routinely arrested on charges of terrorism and in majority of cases they were honorably discharged by the courts but only after years of internment, stigma, social boycott and economic ruin for the entire family. In the case of Mecca Masjid blast case of 2007, 100 Muslim youth were arrested, brutally tortured and interned for years before the court discharged them honourably and awarded damages. But one fails to understand why the court did not take the next logical step to impose punishment for the police officers involved. The police are the most punished department in India, but no action is ever taken against them for any wrongs done to the Muslim community - be it wrong charges of terrorism, use of unjustified force during communal conflicts or booking Muslims in false criminal cases.

There is a need to bring even the judiciary into the ambit of accountability and devise foolproof procedures to monitor and penalise both the police and judiciary for booking false cases, delayed investigations and biased judgments. It is only then that we will be able to fulfill the constitutional commitment to equal protection of law not only for Muslims but also for dalits, tribals and the poor of this country who face similar illegal actions and injustices from our institutions of law and justice.

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