

Undertrial Prisoner Condition Due to Overcrowding in Jails in India

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Abstract

India's criminal justice system is grappling with a deep-rooted human rights crisis: the plight of undertrial prisoners languishing in overcrowded jails. A staggering majority of inmates are detainees awaiting trial, many for years. Their prolonged incarceration, often without conviction, violates both constitutional and international legal norms. This article investigates the scale of the undertrial crisis, the systemic causes of prison overcrowding, the harsh conditions faced by inmates, and the urgent reforms needed to uphold justice and dignity.

Introduction

The principle of “innocent until proven guilty” is enshrined in India’s legal foundation. Yet, the lived reality of undertrial prisoners—those detained while awaiting trial—stands in stark contrast. As of 2023, over 77% of India’s prison population are undertrials, revealing glaring inefficiencies in the justice system. These individuals, many of whom face charges for minor offenses, endure long pre-trial detention in inhumane conditions that infringe on basic human rights.

The Overcrowding Crisis

According to Prison Statistics India 2022, the overall prison occupancy rate stands at 130%, with some states like Uttar Pradesh and Bihar exceeding 180%. This overcrowding primarily stems from the overrepresentation of undertrials. Basic facilities such as clean drinking water, sanitary toilets, ventilation, and sleeping space are severely compromised. Many undertrials remain incarcerated not because they are a flight risk or dangerous, but due to poverty, lack of legal support, and procedural delays.

Legal Framework Governing Undertrials

India’s Constitution (Article 21) guarantees the right to life and personal liberty, including the right to a speedy trial. Section 436A of the CrPC mandates the release of undertrials on a personal bond if they have served half of the maximum sentence for their alleged offense. In *Hussainara Khatoon v. State of Bihar* (1979), the Supreme Court declared that speedy trial is a fundamental right. Despite such judicial directives, their on-ground implementation remains inconsistent.

Socio-Economic Profile of Undertrial Prisoners

Undertrials predominantly belong to marginalized social groups:

Scheduled Castes – 21%

Scheduled Tribes – 11%

Other Backward Classes – 35%

Most are daily wage earners, unemployed, or semi-literate—lacking resources to post bail or seek effective legal aid. Women and juveniles face additional vulnerability, including exposure to abuse and lack of rehabilitative infrastructure.

Health and Hygiene Challenges

The health conditions in overcrowded prisons are dire. A 2022 NHRC report found high prevalence of tuberculosis, skin diseases, and psychological disorders. Mental health care is almost absent, with severe shortages of trained psychiatrists and counselors. The COVID-19 pandemic further exposed the fragile prison infrastructure. Temporary bail releases highlighted the systemic crisis, but long-term solutions remain elusive.

Procedural Delays and Judicial Backlog

The judiciary is overburdened. As of 2024:

Over 5 crore cases are pending in Indian courts.

More than 4.5 crore are in the subordinate judiciary.

Delays in investigation, frequent adjournments, and shortage of judges prolong the detention of undertrials. Public prosecutors are overworked, leading to mechanical opposition to bail and ineffective representation.

Abuse, Torture, and Custodial Deaths

Custodial violence remains a grim reality. The NCRB reported over 150 custodial deaths in 2022, many attributed to torture during police remand. Human rights bodies have documented patterns of abuse, solitary confinement, and denial of food or medical care. Lack of accountability means few police personnel are convicted, and victims often have no access to justice.

Bail and the Myth of “Access to Justice”

Despite legal norms favoring bail over jail, undertrials often remain incarcerated due to:

Unaffordable bail amounts

Inability to furnish sureties

Lack of knowledge or legal assistance

While NALSA aims to provide legal aid, its reach is limited due to underfunding and inadequate training of legal aid counsels.

Reform Measures and Recent Developments

Efforts have been made to alleviate the crisis:

E-Prisons Project – digitization for tracking undertrials

Fast-track courts – for petty offenses (limited implementation)

Video conferencing – reduced movement delays during the pandemic

Supreme Court suo motu interventions – mandating High Courts to monitor prison conditions

Yet, these measures are fragmented and insufficient in addressing structural issues.

Recommendations for Systemic Reform

1. Decriminalize petty offenses to prevent unnecessary arrests
2. Reform bail laws to promote equity and affordability
3. Improve legal aid services with trained, dedicated public defenders
4. Constitute periodic review boards to release eligible undertrials
5. Invest in prison infrastructure to ensure minimum human rights standards
6. Raise public awareness to challenge the stigma around prison reform

Conclusion

India's undertrial population highlights a systemic failure that disproportionately punishes the poor and marginalized. Overcrowded jails, procedural delays, and lack of legal support strip these individuals of dignity and justice. Reform is not only a legal necessity—it is a moral imperative. The country must act decisively to align its penal system with its constitutional ideals and international human rights obligations.

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