

Silent Victims: Understanding the Correlation Between Undertrial Prisoners and Overcrowding- An Analysis of Prison Statistics Report 2022

Ayisha Siddique

(Ph.D. Scholar, University of Petroleum and Energy, Dehradun)

Dr. Kanchal Gupta

(Associate Professor, University of Petroleum and Energy, Dehradun)

ABSTRACT

The aim of this study is to quantify the relationship between undertrial prisoners and prison overcrowding using statistical analysis of data from the Prison Statistics Report, 2022. The data reveals a high proportion of undertrial prisoners, accounting for 75.8% of the total prison population, indicating a prevalent issue within the criminal justice system. The highest number of inmates was lodged in District Jails (52.1%, 2,26,386 prisoners) followed by Central Jails (35.0%) and Sub Jails (9.8%, 42,652 prisoners) as on 31st December 2022, shedding light on the social inequalities and discrimination embedded in the Indian society's criminal justice systems. The report highlights the challenges faced by under-Trial Prisoners in India. The paper calls for urgent prison reforms in India, including improving living conditions, ensuring access to legal aid, and expediting the trial process to prevent prolonged detention.

Key words: *Undertrials, Overcrowding, Prisons and Prison Statistics Report*

1. INTRODUCTION

The Model Prison Manual defines undertrials as 'a person who has been committed to judicial custody pending investigation or trial by competent authority'. Imprisonment is one of the common modes of punishment available to the courts to deal with the persons who commit criminal offences. Prisons are places to keep the offenders in confinement with a view to restrict their personal liberty. The period of confinement varies with the gravity of offence committed. In the prisons, various types of prisoners are lodged such as convicts, undertrials, men, women, foreign nationals, internees and civil prisoners. Many of them are drug addicts, habitual offenders, professional criminals, sexual perverts etc. There is no adequate classification and segregation of prisoners (Srivastava & Srivastava, 2023).

Undertrials are prisoners who have not yet been convicted of the charge(s) for which they have been detained, are facing trials in the competent court, and are presumed innocent in law. They are supposed to be held in 'judicial custody' though they are usually held in jails. The purpose of keeping undertrials in custody is to ensure fair hearing so that they are not in a position to influence the witnesses. However, it is the delay in case trials which is the core human rights issue and the main cause of the number of undertrial prisoners. A preliminary examination by the National Human Rights Commission has disclosed the appalling nature of the problem posed by the pressure of a large number of undertrial prisoners in Indian jails and the inordinate delay in the conclusion of the trial. These people end up languishing in jail for a much longer period than if they were actually convicted of the same charges. Most undertrial prisoners are poor and unaware of the rights they are granted, and the current situation of the administrative system is tainted with corruption preventing this share of the population from availing their constitutional rights (Sharma, 2023).

Lady Justice is supposed to be blindfolded, signifying divine order, objectivity and impartiality; however, there is a huge disparity in the treatment meted out to the poorer undertrial prisoners, who cannot afford the bail amount and are consequently deprived of their liberty. Undertrials in the Indian prisons are kept in the same jail with convicted prisoners (Mahdi, 2022).

1.1 Objective:

- To quantify the relationship between undertrial prisoners and prison overcrowding using statistical analysis of data from the Prison Statistics Report, 2022.
- To explore the implications of this correlation on the criminal justice system and propose targeted interventions for alleviating prison overcrowding while ensuring fairness in legal processes.

1.2 Research Question:

- How does the number of undertrial prisoners correlate with prison overcrowding, as evidenced by statistical analysis of data from the Prison Statistics Report of 2022?
- What are the implications of the correlation between undertrial prisoners and prison overcrowding on the criminal justice system, and how can targeted interventions be proposed to alleviate overcrowding while ensuring fairness in legal processes?

1.3 Hypothesis:

The higher the number of undertrial prisoners, the greater the degree of prison overcrowding, and implementing interventions to streamline legal processes will reduce overcrowding while upholding fairness in the criminal justice system.

1.4 Significance:

- Studying the correlation between undertrial prisoners and prison overcrowding is significant is crucial for ensuring the protection of human rights and upholding principles of justice.
- Examining this correlation sheds light on potential inefficiencies within legal systems. High numbers of undertrial prisoners can indicate delays in the legal process, such as lengthy pre-trial detention periods or inefficiencies in case management, which can strain resources and impede the swift delivery of justice.

1.5 Research Methodology:

The researcher has used the doctrinal method, focusing on analyzing the Prison Statistics Reports from the past five years. Through a meticulous textual analysis of these reports, the researcher has extracted pertinent data regarding undertrial prisoners and prison overcrowding trends. Furthermore, the legal framework surrounding the treatment of undertrial prisoners and prison management has been scrutinized to provide context to the findings.

1.6 Literature Review:

The author discusses the importance of upholding the human rights of prisoners, particularly under trial prisoners, in the criminal justice system. It emphasizes that prisons should be seen as reformative centers where prisoners can change their behavior and reintegrate into society after their release. The conclusion of the paper emphasizes the importance of bail as a provision for prisoners and the need for effective implementation of existing provisions in the Criminal Procedure Code. It also highlights the problems faced by under trial women prisoners and the violation of their human rights in Indian prisons(Srivastava & Srivastava, 2023).

The paper highlights the harsh conditions faced by undertrial prisoners in India, including overcrowded prisons, inhumane treatment, and denial of basic amenities. It emphasizes the vulnerability of juvenile undertrials who often experience physical and emotional abuse.Prolonged detention without trial and lack of access to legal aid contribute to a sense of hopelessness and despair among undertrial prisoners, resulting in a spate of suicides. The paper calls for urgent prison reforms in India, including improving living conditions, ensuring access to legal aid, and expediting the trial process to prevent prolonged detention(Garg & Sukhmani, 2023).

Human rights are fundamental rights that every individual is entitled to by virtue of being a human being. The purpose of the study is to understand the plight of undertrial detainees from the perspective of human rights and judicial efforts. The Supreme Court of India has issued directives to facilitate the release of undertrial prisoners who have served half of their probable maximum prison term, acknowledging the prolonged incarceration faced by many undertrial prisoners.The

court's directive aims to streamline the process of granting bail to undertrial prisoners and make it more time-efficient. However, the grant of bail still requires an application to be made to the court. The release of undertrial prisoners can help alleviate congestion in jails and improve prison management, but it requires coordination between the judiciary, police, and prison administration (Rai & Gill, 2022).

The population held in prison institutions in India has significantly increased over the past few decades, which is directly correlated with an increase in crime and overcrowding in prisons. Under trial prisoners in India, particularly in Madhya Pradesh, face numerous human rights violations, including overcrowding, lack of access to legal aid, poor living conditions, and delays in the judicial process. The paper highlights the need for reforms in the criminal justice system to address these human rights violations and ensure fair treatment of under trial prisoners (Saxena, 2019).

National Human Rights Commission of India (NHRC) speaks on the problems of undertrial prisoners which have now assumed an alarming dimension. Almost 80 percent of prisoners in Indian jails are undertrials. The majority of undertrial prisoners are people coming from poorer and underprivileged sections of the society with rural background. Indeed, in most of the jails, there is predominance of undertrials. On the general living conditions of the prisoners the Commission says, "It is an unfortunate reality that the living conditions of prisoners in most of the jails in the various States and Union Territories leave much to be desired. Overcrowding is the main reason for this a principal reason being the presence of undertrial prisoners who languish in jail for long periods because of the slowness of the judicial process" (Nazim & Haider, 2023).

The All India Jail Reforms Committee, which worked during 1980-83, has elaborated the rights to basic minimum needs for the prisoners. The Bureau of Police Research and Development prepared Model Prison Manual for all the States, in the year 2003. It defines all the rights of the prisoners in detail (Amrit et al., 2022).

The Supreme Court of India has given some landmark judgments, which are treated as Magna Carta in the administration of prisons in India. The most important judgment is *Sunil Batra vs. Delhi Administration*. The SC says that, whether inside prison or outside, a person shall not be deprived of his guaranteed freedom save by methods 'right, just and fair'. It gives legal sanction to the Standard Minimum Rules for Prisoners as recommended by the United Nations (Mishra, 2022).

2. ANALYSIS PRISON STATISTICS REPORT 2022

In the Indian context, the prison system faces significant challenges highlighted by the 2022 Prison Statistics Report. The data reveals a high percentage of undertrial prisoners, accounting for 75.8% of the total prison population, indicating a prevalent issue within the criminal justice system. This disproportionate number of undertrials reflects systemic inefficiencies, including indiscriminate arrests and a broken bail system, leading to overcrowding and inhumane conditions in prisons.

2.1 The following table shows the total Prison population in India (**Table 1**)

Year	Actual Capacity of Prisons	No. of Prisoners at the end of the year
2020	4,14,033	4,88,511
2021	4,25,609	5,54,034
2022	4,36,266	5,73,220

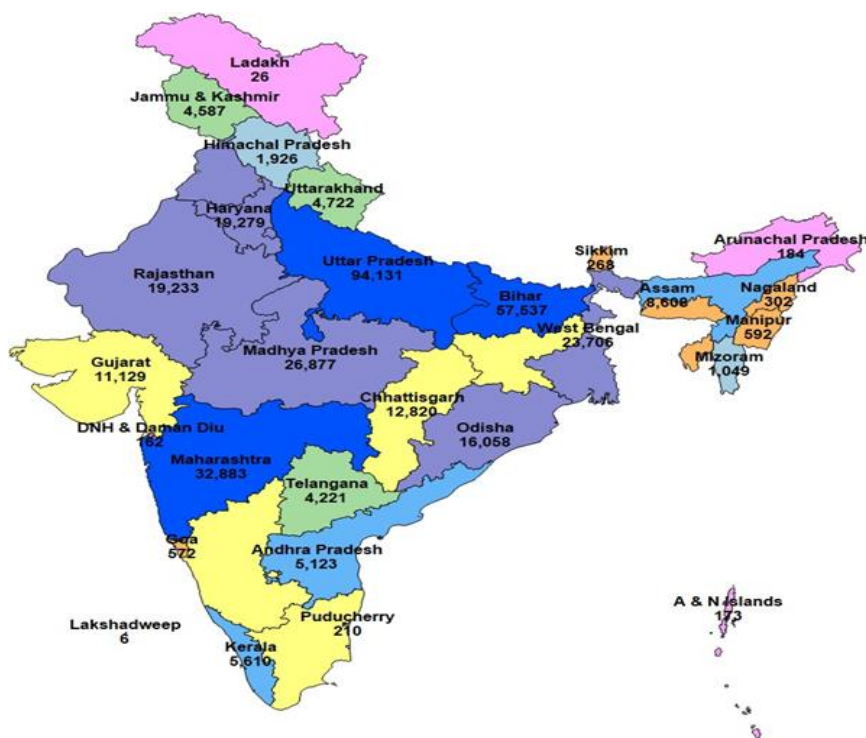
Between 2020 and 2022, there is a notable increase in both the actual capacity of prisons and the number of prisoners at the end of each year. The actual capacity of prisons has increased from 4,25,609 in 2021 to 4,36,266 in 2022 (as on 31st December of each year), having increased by 2.5%. Number of prisoners lodged in various jails has increased from

5,54,034 in 2021 to 5,73,220 in 2022 (as on 31st December of each year), having increased by 3.5% during the period. Despite the increase in prison capacity from 2020 to 2022, the number of prisoners has surpassed this capacity each year, indicating a persistent issue of overcrowding in the prison system. The rise in the number of undertrial prisoners could have several implications, including prolonged pre-trial detention periods, delays in the legal process, and potential violations of individuals' rights to a fair and speedy trial. Furthermore, overcrowding in prisons can exacerbate the already challenging conditions for undertrial prisoners, including limited access to legal representation, healthcare, and other essential services ("Prison Statistics Report," 2022).

2.2 This table shows the total number of undertrial prisoners (**Table 2**)

Year	No. of Convicts	No. of Undertrial Prisoners	No of Detenues	No. of Other Inmates
2020	1,12,589	3,71,848	3,590	484
2021	1,22,852	4,27,165	3,470	547
2022	1,33,415	4,34,302	4,324	1,179

The number of undertrial prisoners has increased from 4,27,165 in 2021 to 4,34,302 in 2022 (as on 31st December of each year), having increased by 1.7% during this period. Among the 4,34,302 undertrial prisoners, the highest number of undertrial prisoners was lodged in District Jails (52.1%, 2,26,386 undertrials) followed by Central Jails (35.8%, 1,55,528 undertrials) and Sub Jails (9.8%, 42,652 undertrials) as on 31st December, 2022. Uttar Pradesh has reported the maximum number of undertrials (21.7%, 94,131 undertrials) in the country followed by Bihar (13.2%, 57,537 undertrials) and Maharashtra (7.6%, 32,883 undertrials) at the end of 2022. Among the 4,34,302 undertrial prisoners, only 44 were civil inmate.



Undertrials In India As On 31.12.2022

- Among the undertrial prisoners under IPC crimes (3,26,825) lodged in various jails in the country, around 63.7% (2,08,299 inmates) of undertrial prisoners have committed Offences affecting Human Body followed by prisoners of Offences against Property (28.4%, 92,917 inmates) as on 31st December, 2022.
- Among the undertrial prisoners of Offences against Women, the highest number of inmates were undertrial for Rape (64.2%, 47,138 inmates) followed by undertrials for Dowry Death (21.3%, 15,657 inmates) at the end of 2022.
- Among the undertrial prisoners under SLL crimes (1,07,433) lodged in various jails in the country, the highest number of inmates were undertrial under Liquor & Narcotics Drugs - Related Acts (67.2%, 72,217 inmates) followed by undertrial inmates under Arms/Explosive - Related Acts (13.5%, 14,470 inmates) and undertrial inmates under Crime Against SC/ST – Related Acts (4.4%, 4,779 inmates) at the end of 2022.

2.3The following tables shows the Prison Wise Bifurcation of Under trail Prisoners(**Table 3**)

S.NO.	Prison	Population	Percentage (%)
1.	Central Jail	155528	35.8
2.	District Jail	226386	52.1
3.	Sub-Jail	42652	9.8
4.	Specific Jail	6012	1.4
5.	Women Jail	3004	0.7
6.	Other Jail	720	0.2

2.4This table shows the top 10 states of maximum percentage of undertrials in India(**Table 4**)

S.No.	State	Undertrial total population
1.	Uttar Pradesh	93793
2.	Bihar	57442
3.	Maharashtra	32313
4.	Madhya Pradesh	26859
5.	Punjab	24096
6.	West Bengal	22282
7.	Haryana	19187
8.	Rajasthan	19174

9.	Delhi	16087
10.	Odisha	16049

2.5 This table shows the total number of Undertrials under IPC Crimes(**Table 5**)

S.No.	Offences under IPC	Undertrial prisoners	Percentage (%)
1.	Offences against the human body	208299	63.7
2.	Offences against property	92917	28.4
3.	Offences against public tranquility	2101	0.9
4.	Offences related with Documents and property Marks	1288	0.4
5.	Others	22220	6.8

2.6This table shows the total number Undertrials Released(**Table 6**)

S.No.	Released	Undertrial Released	Percentage (%)
1.	Released on Bail	1470848	95
2.	Acquitted	35119	2.3
3.	ReleasedonAppeal	17484	1.1
4.	Transferred tootherStates	5024	0.3
5.	Others	19668	1.3

2.8 This table showsthe distribution of Undertrials undergoing various Period of Sentences at the end of 2022 (Table 7)

S.No.	Period of Sentence	Percentage (%)
1.	Up to 3 months	32.1

2.	3 to 6 months	19.7
3.	6 to 12 months	17.2
4.	1 to 2 years	14.6
5.	2 to 3 years	7.8
6.	3 to 5 years	6
7.	Above 5 years	2.6

The prison statistics report highlights a concerning trend where the high proportion of undertrial prisoners contributes significantly to the increasing prison overcrowding in India. The data reveals that three out of four prisoners in Indian jails are undertrials, reflecting a persistent issue within the criminal justice system. The report emphasizes that the high number of undertrial prisoners, many of whom are wrongly confined on faulty or fabricated charges, results in prolonged detention periods and delays in the legal process, exacerbating the overcrowding issue. Additionally, the lack of legal awareness among undertrial prisoners, limited access to legal representation, and the failure of organizations like the National Legal Services Authority to provide widespread relief further contribute to the challenges faced by undertrials and the subsequent increase in prison overcrowding.

The search results highlight the challenges faced by under-trial prisoners in India and globally, shedding light on the overcrowding in prisons and the impact on basic human rights. In India, the under-trial population has significantly increased, with a large number of under-trial prisoners enduring prolonged detention, often due to a lack of financial means to secure bail. The situation is exacerbated by indiscriminate arrests, a broken bail system, and the overrepresentation of marginalized communities among under-trials. Despite efforts to reduce the under-trial population, the majority of prisoners in India remain under-trials, reflecting systemic issues in the criminal justice system.

3. Conclusion and Suggestion:

In conclusion, the analysis of the Prison Statistics Report, 2022, sheds light on the concerning prevalence of undertrial prisoners in Indian jails, constituting 75.8% of the total prison population. This reveals systemic inefficiencies, including indiscriminate arrests, a broken bail system, and overrepresentation of marginalized communities among undertrials. The persistence of these trends contributes to prolonged detention periods, delays in the legal process, and exacerbates prison overcrowding. Urgent reforms are necessary to address these issues, including classification of prisoners, improvements in legal aid oversight, and bail system revisions. The paper emphasizes the need for immediate action to ensure the protection of human rights and fairness within the criminal justice system.

In order to bring prison administration and facilities up to basic human standards, several steps can be undertaken. Firstly, there should be a systematic classification of prisoners based on the severity of their offenses and the length of their sentences. Undertrials should be housed separately in prison or custodial homes without delay. Additionally, an autonomous body should be established to oversee the provision of legal aid to undertrials, ensuring accountability and maintaining minimum standards of legal representation. Reforms in bail-related laws are also essential, including the introduction of bail slabs based on the income level of the accused and the expansion of the use of personal bonds for a wider range of offenses. Furthermore, the enforcement of Sections 436 and 436A of the CrPC is crucial, ensuring the prompt release of undertrial prisoners who have served half of their sentence and clarifying that bail under these sections is a matter of right, with sureties prescribed according to the circumstances of the case and not excessively demanded. These measures are vital for upholding the rights and dignity of undertrial prisoners within the criminal justice system.

References:

1. Srivastava, R., & Srivastava, P. (2023). The human rights of the under trial prisoners in India. *International Journal for Research in Applied Science and Engineering Technology*, 11(6), 884–888. <https://doi.org/10.22214/ijraset.2023.53768>
2. Sharma, Y. (2023). A STUDY ON THE PENDENCY OF CASES IN INDIAN COURTS VIS-À-VIS HUMAN RIGHTS. *Russian Law Journal*, 11(1S). <https://doi.org/10.52783/rlj.v11i1s.550>
3. Mahdi, S. M. (2022). The Justice's Absence in Modern World: Galsworthy's Depiction in Justice. *International Journal of Linguistics, Literature and Translation*, 5(6), 23–29. <https://doi.org/10.32996/ijllt.2022.5.6.3>
4. Garg, C., & Sukhmani, S. S. (2023). Voices from Behind Bars: Narratives of Under Trial Prisoners in the Indian Justice System. *Social Science Research Network*. <https://doi.org/10.2139/ssrn.4461732>
5. Rai, S., & Gill, S. K. (2022). Human Rights of Undertrial Prisoners with Special Reference to The Role of Judiciary In India. *International Journal of Advance Research and Innovation*, 10(1), 28–32. <https://doi.org/10.51976/ijari.1012205>
6. Saxena, A. R. (2019). The candle burns: human rights violations of under trial prisoners in India with particular emphasis on Madhya Pradesh. *The International Journal of Human Rights*, 24(5), 615–631. <https://doi.org/10.1080/13642987.2019.1663341>
7. Nazim, S., & Haider, K. (2023). Historical analysis of the development of prisons in India: Human Rights in retrospect. *History and Sociology of South Asia*, 17(2), 190–205. <https://doi.org/10.1177/22308075231164681>
8. Amrit, P., Jaiswal, A., Uniyal, V., Jha, R. S., & Srivastava, A. (2022). Prisoner's rights and prison reform in India. *International Journal of Health Sciences (IJHS) (EnLiNea)*, 10933–10943. <https://doi.org/10.53730/ijhs.v6ns3.8924>
9. Mishra, S. (2022). Prison Administration in context with Prisoner's rights in India. *International Journal of Multidisciplinary Research and Analysis (Print)*, 05(05). <https://doi.org/10.47191/ijmra/v5-i5-18>
10. *Prison Statistics report*. (2022). National Crime Records Bureau.