Prisons in India

***Mains**: GS-II – Polity & Governance*

Why in News?

The Prison Statistics Report (2024) shows that India's jail occupancy rate has dropped to a decade-low of 112.7%; Yet, overcrowding continues to be a major issue.

What about the status of prisons in India (as per the Prison Statistics report, 2024)?

- **Occupancy Rate** – India's prison occupancy fell to a decade-low of 112.7% in 2024.
- Despite this, overcrowding persists — 5.11 lakh inmates against a capacity of 4.53 lakh.
- More than half of States/UTs still operate beyond sanctioned capacity.
- **Prison Capacity** – In more than half of the States/Union Territories (UTs) in India, prisons continue to operate beyond their sanctioned capacity.
- At the end of 2024, the country had about 1,333 jails with a capacity of 4.53 lakh inmates.
- However, with an inmate population of over 5.11 lakh, prisons continued to be overcrowded.
- **Capacity Expansion** – Although the total number of jails is still fewer than before the pandemic, India's prison capacity grew by 24% between 2015 and 2024.
- This increase came mainly from renovations and expansions in 2,268 prisons, along with the construction of over 120 new prisons during this period.
- **State wise Trends** – More than half of the States had an occupancy rate of over 100% in 2024.
    - Delhi - Highest occupancy at 194% in 2024 (200% in 2023).
    - Jammu & Kashmir - Jumped from 78% in 2015 to 148% in 2023–24.
    - Chhattisgarh - Improved from 234% in 2015 to 127.6% in 2024.
- **Undertrial Population -** Undertrials accounted for about 73% of the

total inmate population in 2024.
- While this is much lower than in 2021, when the undertrial population in prison peaked at about 77%, this is still higher than pre-COVID periods.

Who is Under Trial Prisoner?

An undertrial prisoner is an accused person who is kept in judicial custody during the time their case is being heard in the court.

- **Share of Convicts** – Undertrials are reduced from about 32% in 2016 to 26.6% in 2024.
- **State Wise Analysis** – It shows that in about 14 States/UTs, the share of undertrials is higher than the all-India average.
    - **Delhi & Bihar** – Has the highest share of undertrial population that about over 87% of inmates are undertrials.
- **Staff Vacancies** – The Parliamentary Standing Committee on Home Affairs noted that staff vacancies are the most neglected issue in prison administration.
- States/UTs like Delhi and Jammu & Kashmir, which already face high overcrowding and large undertrial populations, also suffer from severe staff shortages.
- In about 8 States/UTs, nearly half of sanctioned posts are vacant.

To know about *Justice Amitava Roy Committee on Prison Reforms*, click here

To know about *Reforms for Undertrial Problem*, click here

What are the legal & constitutional provisions available for prisoners in India?

- **Article 14** – It prohibits arbitrary discrimination or class-based malice by prison officials regarding food, clothing, or housing allocations.
- **Article 19** – It subject to prison discipline, which includes the right to read books, write letters, receive publications, and maintain restricted communication with family.
- **Article 20(2)** – It ensures a prisoner cannot be prosecuted and punished twice for the same offense by a court of law.
- **Article 21** – Right to Life and Personal Liberty - cornerstone of prisoners' rights jurisprudence.
    - Right to Human Dignity

    - Right Against Torture & Custodial Violence
    - Right to Speedy Trial
    - Right to Health and Medical Care
- **Article 22** – It grants the right to be informed of the grounds of detention and to consult a legal practitioner of choice.
- **Article 39A** – Obligates the State to provide free legal aid to ensure justice is not denied due to economic or other disabilities

Police & Prison is in the State Subject under the Seventh Schedule.

- **Prisons Act, 1894** – Regulates the management of prisons, mandates the separation of convicts from under-trial prisoners, civil prisoners from criminal prisoners, and women from male inmates.
- **Bharatiya Nagarik Suraksha Sanhita (BNSS)** – It contains provisions ensuring fair trials, the right to bail, and safeguards during police custody or interrogation.
- **Model Prisons Act, 2023** – It was introduced to replace the colonial 1894 Act. It focuses heavily on rehabilitation and modernization of prisons.
- **Legal Services Authorities Act, 1987** – They deploy legal aid clinics inside prisons to offer free representation to indigent inmates.

Key Judgments

- **State of A.P. v. Challa Ramkrishna Reddy (2000)** – The Supreme Court held that a prisoner is entitled to all their fundamental rights unless liberty has been constitutionally curtailed.
- **Hussainara Khatoon v. State of Bihar (1979)** – Ruled that the right to a speedy trial is a fundamental right under Article 21, leading to the release of thousands of undertrials.
- **D.K. Basu v. State of West Bengal (1996)** – Laid down strict guidelines and requirements that police must follow regarding the arrest and detention of individuals to prevent custodial torture.
- **Suhas Chakma v. Union of India (2026)** – Addressed chronic jail congestion, which often leaves prisons operating far beyond capacity.
- The Supreme Court issued national directives to expand and uniformly govern Open Correctional Institutions (OCIs).
- **Sukanya Shantha v. Union of India (2024)** – It struck down colonial-era rules in prison manuals that enforced caste-based segregation and division of labor.

- The Court held that assigning cleaning to lower castes and cooking to higher castes violates Articles 14, 15, 17, and 21 of the Constitution.

What are the issues/problems associated with Indian prisons?

- **Delay in Trials** – Long investigations and adjournments keep undertrials in custody for years, in Hussainara Khatoon case highlighted denial of speedy trial.
- **Overcrowding** – The inmates far exceed sanctioned capacity which leads to poor sanitation, health hazards, and violence.
- The national average occupancy rate in prisons across India is 130%.
- **Undertrials & Bail** – The bail is often denied to undertrials due to risks of witness intimidation or absconding (70%+ of prisoners are undertrials).
- **Prison Staff Shortage** – High vacancy rates across all categories of jail staff and women staff are underrepresented.
- **Young Offenders** – There is a lack of clarity on definition of "young offender", only 8 states (e.g., Tamil Nadu, Himachal Pradesh, Jharkhand) have youth detention centers/schools.
- **Psychological Challenges** – Prisoners suffer high rates of depression, anxiety, and identity loss, driven by overcrowding, trial delays, and neglect of mental health care.
- **Corruption & Extortion** – Bribes are exchanged for contraband or special treatment led to weak accountability mechanisms in the prison system.
- **Poor Living Conditions** – Dilapidated infrastructure, inadequate medical staff, and unhygienic facilities.
- **Low Funding Priority** – Budgets are often minimal, with the vast majority of funds swallowed by basic food provisions and staff salaries rather than infrastructure expansion.
- **Weak Rehabilitation** – Outdated vocational training and limited educational opportunities & few programs to reintegrate prisoners into society.
- **Legal Aid Deficiency** – Many inmates unaware of rights; poor quality representation & Undertrial Review Committees often ineffective.
- **Violence & Abuse** – Drug abuse, sexual harassment, and custodial torture persist & lack of segregation between undertrials and convicts worsens risks.

What need to be done to overcome this challenges?

- **Overcrowding** – Transfer inmates from overcrowded jails to less crowded

ones within or across states via MoUs.

- **Undertrials & Bail** – Use bracelet/anklet tracker technology (tested in Odisha) for monitoring bail, but only with inmate consent & create state-level funds to pay fines/bail for poor prisoners.
- **Staff Shortages** – Fill the posts immediately, with no vacancy lasting more than 3 months.
- **Women & Children Prisoners** – Pregnant women need special care, including the right to give birth outside prison.
- Allow children born in prison to stay with mothers until 12 years (currently 6 years).
- **Structural Reforms** – Like open prisons, better psychiatric support, and speedy trials are essential to protect their dignity and psychological well-being.
- **Transgender Prisoners** – Create separate infrastructure facilities, such as separate wards, for transgender prisoners.
- Allow transgender prisoners to choose doctors for examination to ensure proper placements in prisons and prevent misgendering.
- **Prison Budget** – Ministry of Home Affairs (MHA) should allocate central funds to state government that have missing out for the past 5 years.

References

1. The Hindu | Prisons in India continue to be overcrowded by undertrials
2. PRS | Prison- Conditions, Infrastructure and Reforms

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