

BEHIND BARS, BEYOND CAPACITY: THE CRISIS OF OVERCROWDED PRISONS IN INDIA

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INTRODUCTION

Justice is more than punishing the guilty; it also means treating every person in prison with dignity and humanity. The focus of media and public debate may be on the offences perpetrated, but behind bars, it's another story completely. Prisons, in an ideal world, should reform and prepare men to make a meaningful contribution to society. But in India, these homes have gradually become known for suffering, deprivation and official neglect.

Prison conditions as they currently exist are making us ask if the ideals of justice and transformation are really attainable. India's prison system is on the brink of implosion, not just because it suffers from major infrastructural strain but also due to systemic inefficiencies that have plagued it for decades. Below the surface of official neglect and public indifference is a human rights emergency: Overcrowded prisons demonstrate just how far this nation has yet to go in establishing a prison, Inmate Deaths seek news justice system that works.

THE SCALE OF THE CRISIS

Indian prisons house over 530,000 inmates as of 2025, and are severely overcrowded.¹The national average of overcrowding in prisons is 131% and two prisons in Delhi's Tihar Jail have more than 400% occupancy. At least 176 jails nationwide have twice as many people or more than their facilities were designed to accommodate, while a dozen jails hold at least four times the number they are supposed to contain.

In these overpacked barracks, space is so scarce that prisoners sleep in shifts or have to spend the night in cramped positions. The prison is not supported by any real infrastructure; the sanitation, constantly on the verge of collapse, normalizes much-needed drinking water to a

¹Nida Fatima Siddiqui, "Drop in inmates, additions but Indian prisons 120% full: Delhi jails most overcrowded at 200%, NCRB data", The Print, 2024, <https://theprint.in/india/drop-in-inmates-additions-but-indian-prisons-120-full-delhi-jails-most-overcrowded-at-200-ncrb-data/2754893/> (last visited on November 18, 2025)

luxury and bedding to meagreness once again. Violence and mental anguish are rampant, taking a toll on inmates' health, not to mention their hope.

THE UNDERTRIAL BURDEN: JUSTICE OUT OF REACH

A deeper injustice underlies the numbers: the vast majority of India's prisoners have not been convicted. Around three out of four (76%) prisoners are undertrials awaiting trial, with the number being greater than 90% in Delhi and Bihar.² Uttar Pradesh alone has nearly 94,000 undertrials, about a fifth of the all-India total.

For some, the wait for justice is longer than any sentence they might have received. Documents like the India Justice Report 2025 show how undertrials are kept in overpopulated jails for as many as three to five years, suffering indefinite incarceration without a verdict across many states.³

Women and men are behind these statistics. A woman in England was punished for being poor, still without trial, after she served four months of pretrial detention, prosecuted for stealing laundry detergent. Prisoners must be crushed, Justice Krishna Iyer had lamented three decades ago in 1977: the prisons were India's guilt spots, and they should cure and not crush the soul, but retribution leaves no place for reformation. It is only after the intervention of SC, which has time and again directed the state to "de-congest" jails and ensure modalities for confining undertrials are not messed up, that one could see any such movement instead of a lax lockdown.

WHY OVERCROWDING PERISTS

Multiple causes overlap to sustain this continuing emergency:

- Excessive Arrests and Detention: Law enforcement frequently resorts to arrest as the default response, even for minor cognizable offenses.⁴
- Judicial Delays: With only around 15 judges per million people, less than a third of the recommended number of cases drag on for years, trapping undertrials indefinitely.⁵

²"74% of Prisoners Are Undertrials, and That's an 'Improvement'", Times of India, March 9, 2025, (last visited on November 18, 2025)

³India Justice Report, 2025, Tata Trusts & Collaborators, "India Justice Report 2025", <https://indiajusticereport.org> (last visited on November 18, 2025)

⁴The Wire, "Jails at Breaking Point: With 131% Overcrowding, Concerns Increase About Prisoners' Rights," April 22, 2025, <https://m.thewire.in/article/law/jails-at-breaking-point-with-131-overcrowding-concerns-increase-about-prisoners-rights?utm=relatednews>, (last visited on November 18, 2025)

- Economic and Social Inequality: Prison populations are drawn largely from poorer and marginalized groups, many of whom cannot afford bail or adequate legal representation.
- Poor Administrative Planning: Despite a 156% increase in prison budgets over a decade, funds are underutilized, and infrastructure remains outdated.
- Weak Legal Aid Networks: A drop of nearly 40% in paralegal volunteers since 2019 has gutted access to quality defence for indigent prisoners.

LIFE INSIDE: THE REASON OF RIGHTS AND DIGNITY

The effects of overcrowding reach every corner of prison life:

- Sanitation crumbles under pressure; hundreds may share a few broken toilets.⁶
- Infectious diseases like tuberculosis and skin ailments are widespread due to overcrowding and inadequate healthcare.⁷
- Food quality is poor, and essentials like clean water, bathing space, and sunlight are minimal.
- Mental distress, suicide, and aggression rise steadily amid hopelessness and lack of counselling.
- Prison staff is overstretched, supervising hundreds of inmates each, which fuels exhaustion and sometimes abrasive conduct.

Women and children, as well as vulnerable detainees, have it even worse. More than 20,000 women are incarcerated in Indian prisons, where many rear young children, but few have individual washrooms, medical attention or childcare centres. Basic support for the elderly, disabled and ill continues to be scant.⁸

REFORM ATTEMPTS: TWO STEPS FORWARD, ONE STEP BACK

Recognizing the gravity of overcrowding, both the government and judiciary have introduced measures to ease the crisis:

⁵“74% of Prisoners Are Undertrials, and That’s an ‘Improvement’” *Times of India*, March 9, 2025, <https://timesofindia.indiatimes.com/india/74-of-prisoners-are-undertrials-and-thats-an-improvement/articleshow/124298582.cms>, (last visited on November 18, 2025)

⁶“India’s Prisons at Breaking Point: Overcrowded, Understaffed, and Starved of Healthcare,” *Economic Times HealthWorld*, May 3, 2025, <https://health.economictimes.indiatimes.com/news/industry/indias-prisons-at-breaking-point-overcrowded-understaffed-and-starved-of-healthcare/120872450> (last visited on November 18, 2025)

⁷“India’s Prisons at Breaking Point: Overcrowded, Understaffed, and Starved of Healthcare,” *Economic Times HealthWorld*, May 3, 2025, (last visited on November 18, 2025)

⁸Press Information Bureau, "Progress under Mission Karamyogi and capacity building initiatives for civil servants," November 7, 2023, <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2120090> (last visited on November 18, 2025)

- Judicial Interventions: Courts have directed authorities to decongest prisons, promote video conferencing for hearings, and implement bail norms.
- Model Prisons Act, 2023: This law seeks to shift the focus toward rehabilitation, social reintegration, and alternatives to incarceration.⁹
- Support to Poor Prisoners Scheme (2023): Aims to assist undertrials who cannot post bail, though implementation remains inconsistent across states.
- Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023: Ensures bail for undertrials who have completed half of their prospective maximum sentence.
- E-Prisons Projects: Seeks to digitize inmate records and connect prison databases with courts to avoid administrative delays.¹⁰

GOOD PRACTICES AND SUCCESSFUL MODELS

Some innovative approaches have delivered hopeful results. For example, Sanganer Open Prison in Rajasthan offers suitable prisoners an opportunity to live and work with their families outside the walls of the prison as part of learning responsibility and reintegration. The model has been effective in reducing recidivism and improving overall health.

Other strategies showing promise include:

- Establishing Camp Courts and Lok Adalats inside prisons to handle bail and minor cases quickly.¹¹
- Broader use of the Probation of Offenders Act, 1958, especially for first-time or young offenders.¹²
- Adopting remission and early-release policies like those in Ghana and Kenya for good conduct.¹³

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POLICY RECOMMENDATIONS

To address this crisis at its source, experts suggest a series of approaches:

1. Decriminalize and Review Petty Offenses to Reduce Unnecessary Detentions.¹⁴

⁹Drishti IAS, "Model Prisons Act 2023," May 17, 2023, <https://www.drishtiiias.com/daily-updates/daily-news-analysis/model-prisons-act-2023> (last visited on November 18, 2025)

¹⁰Ministry of Home Affairs, Government of India, "Prison Reforms," <https://www.mha.gov.in/en/commoncontent/prison-reforms> (last visited on November 18, 2025)

¹¹IndiaSpend, "Camp Courts and Lok Adalats in Prisons: Delivering Speedy Justice, Implementation Challenges," <https://www.indiaspend.com/governance/camp-courts-and-lok-adalats-in-prisons-delivering-speedy-justice-implementation-challenges> (last visited on November 18, 2025)

¹²Government of India, "The Prisons Act, 1894," <https://www.indiacode.nic.in/handle/123456789/1725>

¹³Vajiram& Ravi, "Remission & Early Release Policies in Ghana and Kenya," <https://vajiramandravi.com/current-affairs/remission-early-release-policies-in-ghana-kenya/>

2. FastTrack Undertrial Cases on special courts, plea bargaining and mediation.
3. Enhance Legal Aid Systems through the training of additional paralegal workers and the provision of competent counsel to the indigent.
4. Upgrade Infrastructure: Increase the region's prison capacity, upgrade sanitation, food quality, health care and digitize management.¹⁵
5. Encourage Rehabilitation, Not Retribution with job training and education programs, post-release support services.
6. Build Accountability through routine checks and external audits, and publicly track living conditions, as well as the progress made.

THE HUMAN COST AND BROADER IMPLICATIONS

A day in an overpopulated prison is another day that gnaws at dignity, opportunity and promise.

India was one of the countries that voted for the Universal Declaration of Human Rights in 1948, which it agreed would ensure rights including life, liberty and security of a person.¹⁶ In 1979, it ratified the International Covenant on Civil and Political Rights, thereby strengthening inmates' rights to humane treatment. Although India is not legally bound by the Nelson Mandela Rules, it has expressed commitment to their spirit.

Despite these commitments, violations persist. One notorious case was the death of a businessman in Delhi's Tihar Jail in 1995, which led to an investigation that discovered ferocious overcrowding (about 10,000 prisoners by 1997) along with shocking sanitation and acute shortages of medical staff.¹⁷ "In the words of Nelson Mandela, 'To deny people their human rights is to challenge their very humanity'.

Poverty, illiteracy and criminalisation transmute in the cycle inside jammed cells to bring about unrest, shaking faith in a justice delivery system. And a system that creates misery

¹⁴Drishti IAS, "Transforming India's Prison System," November 21, 2024, <https://www.drishtias.com/daily-updates/daily-news-editorials/transforming-india-s-prison-system>

¹⁵Ministry of Home Affairs, Government of India, "Prison Reforms" ,(last visited on November 18, 2025)

¹⁶Editorial, "The Human Cost of India's Broken Prison System," *Deccan Herald*, November 2024, <https://www.deccanherald.com/opinion/the-human-cost-of-indias-broken-prison-system-3781810>

¹⁷Vajiram& Ravi, "India's Prison Crisis: Overcrowding and Lack of Healthcare Services in Focus," <https://vajiramandravi.com/current-affairs/indias-prison-crisis-overcrowding-and-lack-of-healthcare-services-in-focus/> (last visited on November 18, 2025).

instead of rehabilitation lets down prisoners and society. Genuine change can only come from reforms that reduce overcrowding, respect rights and invest in the rehabilitation of individuals. As Dostoevsky observed, the measure of a nation's advancement lies not in its monuments, but in how it treats its prisoners.

CONDITION OF WOMEN PRISONERS IN INDIA

According to the National Crime Records Bureau's 2021 report, there were overall 22,918 female inmates in India and 1,650 of them, along with their children, were imprisoned.¹⁸ Interestingly, only 216 of these women were convicted inmates, while 1,418 of them, along with 1,601 children, were undertrial inmates. The report also notes that there are only 32 prisons in the nation that are specifically for women, and that these prisons house 6,767 inmates. Moreover, there is not a single women's prison in any of the 21 States and Union Territories.

Overcrowding is the condition in which the number of inmates in a prison exceeds its sanctioned capacity. The fact that over 50% of all inmates are undertrials rather than convicted is one of the main causes of overcrowding. A sizable fraction of Indian women incarcerated are awaiting trial rather than having been found guilty of any crimes. Even with the creation of fast-track courts and efforts to expedite trials, the justice system is still beset by excessive court caseloads and bureaucratic inefficiencies. The Supreme Court emphasized the serious problem of prison overcrowding in a case involving an accused person under the Narcotic Drugs and Psychotropic Substances Act and instructed lower courts to guarantee that trials are completed on time. The Court noted that people suffer grave and incalculable injustice as a result of the appalling living conditions brought on by overcrowding.

In addition to compromising prison security, overcrowding creates filthy and cruel living conditions, which violate inmates' fundamental rights under Article 21 of the Constitution and their right to live with dignity. This upsetting reality is exemplified by the Presidency Correctional Home in Kolkata, where 40 prisoners shared a toilet and 40 women were confined to a single room with no privacy. Women's needs are neglected, and resources are distributed unfairly when they are housed in enclosures within a larger prison for men.

¹⁸CJP Team, "Plight of Women in Indian Prisons," Citizens for Justice and Peace, March 9, 2019, <https://cjp.org.in/plight-of-women-in-indian-prisons/> (last visited on November 18, 2025)

Although the entire Indian prison system is in dire need of reform, women deal with a distinct and difficult set of issues that men do not.¹⁹The list is endless and includes issues with reproductive health and hygiene, a lack of education and support, susceptibility to rape, mental health issues, and torture in detention. In addition, the great majority of women incarcerated are from lower socioeconomic classes and have little knowledge of their rights; many were found guilty based on forced testimony, making them particularly vulnerable to the abuses of law enforcement.

Although the government and humanitarian organizations have attempted to reform the system, the grim truth is that these efforts have only touched the surface. To ensure that the aforementioned laws and rules are being properly applied in the prisons, the government must take more action. To reform prisoners and reintegrate them into society, a concerted effort must be made to implement rehabilitative justice rather than punitive justice. Above all, it must be of the utmost importance to grant women prisoners the rights that are guaranteed to all citizens under Article 21[17], the right to life, the right to live a fulfilling life with dignity, and the right to self-respect. Justice cannot be considered properly administered until that time.

GOVERNMENT INITIATIVES AND RECOMMENDATIONS

On January 6, 2025, the Ministry of Home Affairs proposed significant changes to the Model Prison Manual, 2016 and the Model Prisons and Correctional Services Act, 2023, to address and end long-standing caste-based discrimination in prisons.²⁰Scheduled Castes (SCs), Scheduled Tribes (STs), and De-Notified Tribes are among the marginalized groups that these changes are intended to protect. Under Chapter V: Custodial Management, a new section titled "Prohibition of Caste-Based Discrimination in Prisons and Correctional Institutions" was added, requiring equal distribution and assignment of work among prisoners. Additionally, in accordance with Article 39A of the Constitution, which ensures free legal aid to the underprivileged and weaker segments of society, a new Chapter XVI on Legal Aid has been added to the Model Manual, guaranteeing everyone equal access to justice.

¹⁹SabrangIndia Team, "Counting the Caged: What India's Prison Data Refuses to See," SabrangIndia, date not specified, <https://sabrangindia.in/counting-the-caged-what-indias-prison-data-refuses-to-see/amp/> (last visited on November 18, 2025)

²⁰Editorial, "Model Prison Manual Amended after SC Verdict Against Caste-Based Discrimination," *Hindustan Times*, November 2023, <https://www.hindustantimes.com/india-news/model-prison-manual-amended-after-sc-verdict-against-caste-based-discrimination-101735738935047.html> (last visited on November 18, 2025)

Following extensive consultations with state prison officials and correctional specialists, the Bureau of Police Research and Development (BPR&D) created the Model Prisons Act, 2023, which aims to advance a reformatory approach to incarceration. The Act places a strong emphasis on using rehabilitation and skill-building initiatives to turn prisoners into law-abiding citizens. Along with encouraging the use of contemporary technology to enhance prison administration, it also introduces clear guidelines for the granting of parole, furlough, and remission based on good behaviour. Vocational training, social reintegration, and improved safety measures for female and transgender inmates have received particular attention.

As guaranteed by the Constitution and upheld by court rulings, prisoners in India are entitled to a set of rights that guarantee their dignity and humane treatment.²¹ These rights have developed as a result of significant Supreme Court decisions and are derived from basic human rights principles. Every prisoner has the right to humane treatment, free from cruel, inhuman, or degrading treatment, including protection from violence while they are incarcerated. According to the Prisons Act of 1894, prisoners must be kept in housing that complies with fundamental safety and hygienic requirements. They have the right to a decent life, which includes enough food, medical care, sanitary conditions, clean drinking water, clothes, bedding, and other necessities. Moreover, prisoners possess the right to legal representation and assistance, ensuring that their right to a fair trial is fully protected.

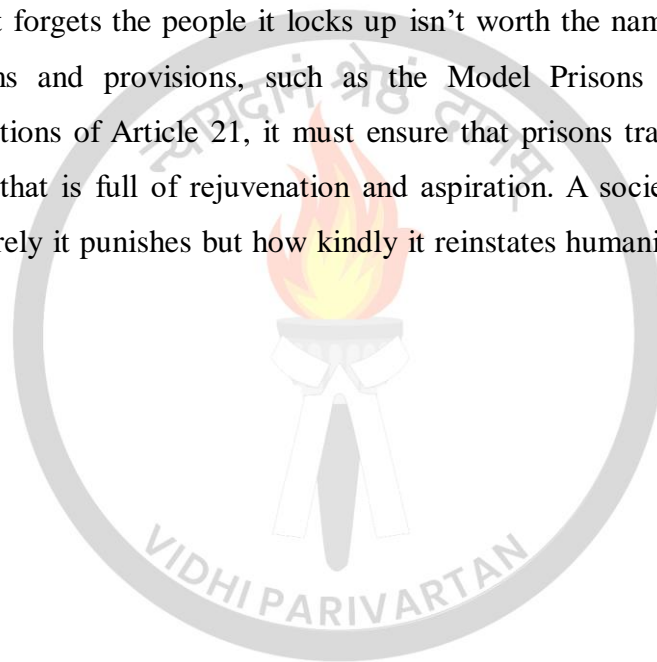
CONCLUSION

The contingency of overcrowded prisons in India represents not just an administrative inadequacy but a fundamental injustice, an epitome of social disregard for the values of social justice and human dignity. Although prisons were initially designed to correct and restore former offenders, today, they often operate as loci of hopelessness. The tenacity of overcrowding, extended undertrial detention, insufficient healthcare access, and the deprivation of basic human rights underscores the tragic disparity between India's constitutional commitments and its reality.

²¹Drishti IAS, "SC Strike Down Casteist Provisions in India's Prison Manuals," November 2023, <https://www.drishtias.com/daily-updates/daily-news-analysis/sc-strike-down-casteist-provisions-in-india-s-prison-manuals> (last visited on November 18, 2025).

In other words, meaningful reform cannot be limited to infrastructural expansion; it must be essentially reformist with respect to the fundamental logic of retribution and detention that underpins the current criminal justice system. Minor offenses should be decriminalized, access to adequate legal aid should be strengthened, legal and judicial redress should be expanded, and human prison infrastructure should be built and they are not mere policy reforms, they are moral imperatives. This is super obvious when you look at it, especially for women in jail who deal with nasty bathroom conditions, get assaulted, have no good childcare, get no help for their mental health, and barely get a chance to reconnect with society

A justice system that forgets the people it locks up isn't worth the name. As India proceeds with various reforms and provisions, such as the Model Prisons Act, 2023, and the constitutional stipulations of Article 21, it must ensure that prisons transmute from sites of suffering to a place that is full of rejuvenation and aspiration. A society's humanity is not gauged by how severely it punishes but how kindly it reinstates humanity to those who have fallen behind bars.



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