



Overcrowding and the under trial crisis in Indian prisons: A criminological analysis of structural failures

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Abstract

The problem of overcrowding and the rising number of under trial prisoners has become one of the most critical challenges within the Indian prison system. This study examines the structural and institutional factors responsible for prison overcrowding and the prolonged detention of under trial inmates from a criminological perspective. In India, the percentage of under trial prisoners is considerable because they take a long time to be investigated, the judicial system is slow, they lack access to an attorney, and they do not have ready access to bail. These circumstances put great strain on the prison infrastructure and in most cases lead to poor living conditions, lack of proper healthcare and also high rates of custodial violence and human rights abuse are experienced. The study has a doctrinal approach, which is founded on secondary sources such as books, research papers, governmental reports, and legal texts retrieved in academic databases and official publications. The research examines the constitutional protections that are designed to guard the rights of the prisoners in India; they include the right to life, equality before the law, safeguard against arbitrary detention, and right to legal aid. It also assesses the effectiveness of judiciary, human rights body and reform committees in enhancing administration in prisons and humane treatment of prisoners. The results indicate that they need to implement effective corrections, accelerate the process of judicial operations, enhance infrastructure, and more efficient rehabilitation programs to resolve the under trial crisis. Increasing institutional responsibility and instituting reform-based policies may assist in turning prisons into correctional facilities that would facilitate rehabilitation and reintegration.

Keywords: Prison overcrowding, under trial prisoners, prison reforms, prisoners' rights, criminal justice system

Introduction

The prison system plays a crucial role in maintaining law and order by ensuring that individuals accused or convicted of crimes are kept in lawful custody. The Indian prisons are supposed to be used as prisons of detention only but also as a place where reform, rehabilitation, and integration of the offenders back to the society will occur. Nonetheless, the operation of the prison system has been harshly criticized by the fact that overcrowding has been a major issue and the increasing number of under trial inmates. The problems have cast doubt on the effectiveness, equity and humanity of the criminal justice system ^[1].

Indian prisons have developed the issue of overcrowding that is a structural problem which exemplifies greater structural deficiencies in the criminal justice administration. A sizeable percentage of the inmates has been of the under trial prisoners who are persons who are in custody awaiting trial by the courts. A good number of these inmates are kept in custody over a long period of time because of delays during investigations, long court cases, absence of an attorney, and insufficient access to bail. Consequently, the prisons that are built with a small population are compelled to harbour many more people than they were supposed to serve, causing inmates to live in poor conditions, lack medical services, and experience increased tension ^[2].

Criminological, the under trial crisis shows the discrepancy ability between law enforcement activities and judicial effectiveness. Prisons have turned into holding facilities but not rehabilitation facilities due to the overuse of pre-trial detention and slow court proceedings. The scenario compromises the core values of justice such as the presumption of innocence and human rights protection.

Moreover, the overcrowded prisons lead to administrative and security problems because it is hard to control the prisons, provide them with rehabilitation and proper supervision, as well as, the elementary human dignity. The case also implies structural failures like underdeveloped infrastructure, obsolete prison policies, and coordination of law enforcement bodies, as well as socio-economic disparities that make marginalized people unable to get the timely legal solutions ^[3].

Thus, a criminological approach to the study of prison overcrowding and under trial crisis is necessary in order to learn the institutional weaknesses of the criminal justice system. This kind of analysis would be useful in determining structural changes required to facilitate fairness, efficiency and humane treatment in Indian prisons ^[4].

Literature review

The research by Rai, Singh and Lepcha (2025) ^[5] measures the prison library services in five jails within the state of Uttar Pradesh based on the International Federation of Library Associations standards. It has an uneven approach to standards and no access to computer or internet according to a survey of 105 inmates. Lack of education is restrictive because of poor infrastructure. The analysis focuses on reinforcing library system to aid in prisoner education and rehabilitation.

Myneni (2025) ^[6] this source is a legal study of the Indian prison management, including laws, rights of the prisoners, court cases, and the structures. It discusses the problems of overcrowding, pretrial detention, the government problems and rehabilitation policies. The paper combines the principles of the constitution and international standards,

and provides useful information to legal scholars, practitioners, as well as prison reform advocates.

Tripathi, Tripathi & Singh (2024) ^[7] this research provides an analysis of inmates rights of disabled people in India. It concludes that the prison policies do not correspond to the so-called human-rights-based disability model and have poor accessibility and healthcare. The authors suggest disability-inclusive reforms, including amendments to the law, higher-quality data collection, infrastructure, and anti-discriminatory and equal-access to justice policies.

Deval (2023) ^[8] in the research, the author critically observes the lack of application of alternative sentencing to decongest the prison population in India. It points to the tendency of the courts to prefer imprisonment over alternatives such a probation and community service. Stronger probation systems, mobile complaint systems and human rights involvement are some suggestions that the study offers to eliminate overcrowding and better the welfare of the prisoners.

Niranjana & Sundaram (2022) ^[9] the paper addresses the issue of human rights of prisoners and the importance of the judiciary in safeguarding the constitutional provisions. It focuses on reforms, rather than punishment and the need to develop vocational training and education in the prisons. The authors affirm that to reform the prison and make it effective, it is bound to the commitment of the institution, judicial attention, and the long-term investment in the area of rehabilitation programs.

Borah (2021) ^[10] this study aims at examining the issues of women under trial prisoners in Assam. It exposes discrepancies between a law and the reality in the prison using the tools of qualitative analysis. The research discovers improper facilities, legal access and violation of the rights regardless of available manuals. It provides a conclusion that the prison reforms should be gender-responsive and implemented successfully.

Bharat Bhushan Pareek (2021) ^[11] this book is a critical study of abuses of human rights in the Indian prisons such as overcrowding, inadequate healthcare and violence in custody. It examines the constitutional guarantees and the social consequences of the state of prisons in general. Developed by incorporating both the law and the actual cases, the work reiterates the dire importance of legal and policy changes that would provide the prisoners with dignity and justice.

Bhutta & Siddiqui (2020) ^[12] this paper follows the colonial history of the prison systems in India and Pakistan, which had initially been created to control political ideas and not heal them. In spite of the reform commissions and policies, the issue of overcrowding, corruption, and rights violation continue to plague prisons. The authors draw the conclusion that effective reform must have solid political will, accountability, and implementation.

Research Gap

Existing literature highlights several issues within Indian prisons such as overcrowding, custodial violence, poor infrastructure, and lack of rehabilitation facilities. There have also been studies on the rights of prisoners, the management of prisons as well as the necessity of reforms. Nevertheless, a small amount of research directly examines the structural factors that cause the under trial crisis and their direct correlation with prison overcrowding in a criminological standpoint. In addition, limited attention is

given to the role of judicial delays, disparities in social-economic, and poor coordination of the institutions in the prolonged detention and human rights issues in Indian prisons.

Problem of the Statement

The Indian prison system is undergoing a major challenge because of the rising cases of an under trial and the issue of overcrowding. A significant percentage of the prisoners stay in prison awaiting conviction due to slowness in investigation, slowness in the court system, unrepresented and underrepresented bail. The violation of the principle of presumption of innocence is not the only detrimental effect of this scenario on prison infrastructure, healthcare, and administration. With overcrowded prisons, this causes poor living conditions, and minimized chances of rehabilitation. Thus, there is a need to look at the structural failures that have led to the under trial crisis and overcrowding of the prisons.

Research Objectives

- To examine the problem of overcrowding and under trial detention in Indian prisons.
- To analyze the legal and constitutional safeguards available for prisoners in India.
- To study the need for prison reforms and policy measures to improve prison administration.

Research Questions

- What are the major causes of overcrowding and the under trial crisis in Indian prisons?
- How effective are the constitutional and legal safeguards in protecting prisoners' rights?
- What reforms are required to improve prison conditions and reduce under trial detention?

Research Methodology

The present study adopts a doctrinal research methodology based on secondary sources of data. The research mainly relies on existing literature, legal documents, and published academic studies to analyze the problem of overcrowding and under trial prisoners in India. This information has been in the form of trustworthy academic databases like PubMed, Research Gate, Scopus, Sodhganga, and Google Scholar, which offer scholarly articles and research papers regarding the issue of prison administration and criminal justice. Furthermore, data have been obtained in books, government publications, policy reports, prison guides and government and human rights institutions websites. The case laws, the constitution, and the laws regarding the rights of the prisoners have also been discussed. This theory of thought assists in the interpretation of the law, institutional issues, and reforms in the Indian prison system.

Scope of the Study

The research paper concentrates on the problem of prison congestion and how there is a growing population of those who are kept under trial in India. It looks at the constitutional and legal provisions as well as the institutional frameworks that are aimed at safeguarding the rights of the prisoners. The study also examines the effectiveness of the judiciary, prison administration, and the human rights institutions in solving these problems. Moreover, the research assesses the necessity of the prison

reforms and policy development to change the situation in the prisons and guarantee human treatment, rehabilitation and proper administration in the Indian correctional system.

Limitations of the Study

The research is mainly premised on secondary data and doctrinal analysis restricting the possibility of direct observation of the conditions in the prisons. It does not involve field surveys or interviews with prisoners and prison officials. Hence, the results will rely on the presence and analysis of the available literature and reports.

- Relying solely on secondary sources.
- None of field survey or primary data collection.
- Restricted by the existing literature.
- Mostly pays attention to Indian prison system.

Constitutional Protection of Prisoners under Indian Law

The Indian constitution provides some rights deemed of fundamental nature to all people even those in prison. Even though their personal liberty is denied because of legal imprisonment, inmates are not denied their fundamental human rights. The constitutional framework provides the prisoners with dignity fairness and humanity during their custody. The courts have reiterated a number of times that incarceration does not imply total deprivation of constitutional rights. Instead, inmates still have access to a number of rights, which protect them against random treatment, torture, and humiliating conditions. All kinds of these protections are intended to establish a middle ground between the preservation of the discipline in the prison and the safeguarding of the fundamental rights of the prisoners.

Right to Life and Liberty of Personality: The greatest constitutional protection that is offered to prisoners is through the right to life and personal liberty as it is guaranteed by Article 21 of the Constitution. This right provides that prisoners should not undergo cruel, inhuman and degrading treatment in custody. Article 21 has been construed by the courts to mean the right to a dignified life, right to basic healthcare, right to proper food and safe living conditions in prison. The judiciary has also reasoned that custodial violence or torture of any kind and inhuman treatment of a person contravene this basic right^[13].

Right to Equality before Law: Article 14 of the Constitution provides that all the individuals, including prisoners, are equal before the law and equal protection of the laws. This implies that prison administrators are required to treat the prisoners equally and without discrimination on caste, religion, gender, and social status. The court can question any inappropriate or disproportionate treatment of the prison administration. The equality principle is to make sure the discipline rules and disciplinary actions in the prison are applied in a fair and consistent manner^[14].

Guarantees against Unjustified arrest and detention: Article 22 of the Constitution offers protection against unjustified arrest and detention. It guarantees that a person under arrest is entitled to be informed of the reasons as to why he or she is being arrested, the right to consult and be defended by a practitioner and is to be produced before a magistrate within 24 hours of arrest. The safeguards are also significant to under trial prisoners because they ensure that, people are not arrested illegally or detained without due process.

Right to Legal Aid and Fair Trial: Another notable constitutional right that is offered to the prisoners is that of access to justice. Free legal assistance is a basic right that has been acknowledged by the Supreme Court in Article 21 especially in the case of economically disadvantaged prisoners that are unable to cover the costs of lawyers. Legal aid services also assist in guaranteeing that the under trial prisoners get a just trial and are not coerced to stay behind bars because of poor financial or social backgrounds. This safeguard is very important in curbing delays, injustices in the criminal justice system^[15].

Problem of Overcrowding and Rising Under trial Population

Overcrowding and increasing population of under trial inmates in the Indian prison system is a factor that has remained an issue. A high number of prisoners are people who have not been found guilty but are imprisoned either in the course of investigations or trial. This is something that is worrisome in the area of the right to personal liberty, presumption of innocence, and right to trial in a speedy manner. Unreasonable use of pre-trial detention and justice system delays have contributed to prisons operating way past capacity. This overcrowding also undermines the prison management through infrastructure, healthcare, living conditions, and rehabilitation process. It confuses various classes of prisoners, builds up security risks and diminishes potential of humane and remedial treatment. Therefore, the issue is indicative of more systemic policing, prosecution, court administration, and management of correctional problems^[16].

Reasons of large population of under trial Prisoners

There are various reasons that have led to the high number of under trial prisoners. Due to poverty, a large number of accused individuals are unable to afford bail bonds or sureties, and therefore, they serve in prison. Poor knowledge of the law and poor access of qualified legal assistance also procrastinates the application of bails and case proceedings. The additional factors that hamper the effectiveness with which prisoners can defend themselves are social marginalization and illiteracy. Also, the heavy workload of courts, lack of judges, and complicated processing slows down the trials. Regular arrests, even of minor or bailable offences, and minimal use of alternatives, including summons or probation, also lead to unnecessary imprisonment^[17].

Delay in Investigation and Trial Process

It is evident that the under trial population is greatly enhanced by time delays in investigation and trial. The lack of police manpower, forensic support, and procedural complications may make an investigation take a long period. Failure to file charge sheets on time, lack of witnesses, change of investigating team and lack of coordination between the police and the prosecution further drag the case. When the cases are taken to courts, backlog of cases, numerous adjournments and lack of judicial officers delay the trial. Production of accused persons before courts is also associated with logistical problems that increase the detention period. This has led to a large number of under trial inmates serving the years in jail, even longer than the sentence they were meant to serve due to their supposed crimes^[18].

Impact of Overcrowding on Prison Conditions

Overcrowding contributes greatly to the living conditions and the management of the prisons. Little space compels people to stay in the overcrowded barracks with insufficient ventilation, bedding and sanitation services. The simple facilities like toilets, bathrooms and clean drinking water are no longer adequate to serve the huge population. Overcrowding also enhances the transmission of communicable diseases such as tuberculosis, respiratory infections and skin diseases whereas health facilities are still understaffed. This creates administrative and security issues due to the fact that a big population of inmates is hard to control as administrations find it hard to categorize and monitor them. As a result, reformatory programs like education, the training of vocational skills and counselling are given lower priority and the management of prisons is transformed into containment ^[19].

Role of Judiciary in Protecting Prisoners' Rights

The Indian judiciary has a crucial role to play in protection of rights and dignity of the prisoners. Although people can be legally held in custody, they still have a right to the fundamental human rights and constitution rights. The courts are the protectors of these rights as they make the prison authorities operate within the framework of the law and ensure that prisoners are not treated arbitrarily and inhumanely ^[20]. Indian courts have, through judicial activism, progressive interpretations of constitutional clauses, and Public Interest Litigation (PIL) elaborated the rights of prisoners and enhanced responsibility in the prison administration to a great extent ^[21].

Provision of speedy trial and Legal Aid: The other important job of the judicial system is to ensure that members of the under trial prison are provided with speedy trial and access to legal aid. The long term detention without trial has been reiterated by courts to be against the constitutional rights. Consequently, the courts have instructed the government to offer free legal services as well as to examine the cases of under trial detainees to avoid unwarranted imprisonment ^[22].

Conditions of Prisons and Need for Institutional Reforms

The situation in most prisons in India is very grave courtesy of overcrowding, poor infrastructure and accessibility to basic amenities. Many prisons are running beyond their approved capacity, which causes inmates to live in poor conditions. The overcrowding effect usually leads to inadequate space, poor sanitation, inadequate medical attention and strain among the inmates. This is more acute when it comes to the large number of untrial inmates who spend long periods in custody because of the length of time in the judicial process.

Moreover, most of the prisons lack trained personnel, poor management systems and rehabilitation programs. These problems make prisons less effective reforming and correcting institutions. Thus, there is need to reform the institutions to enhance better prison facilities, enhance administrative responsibility, facilitate rehabilitation, and provide human treatment to inmates. Prisons can be restructured into correctional centers, reintegration centers, and rehabilitation centers with the help of effective reforms ^[23].

Relevant Landmark Cases

Hussainara Khatoun & Ors. v. Home Secretary, State of Bihar, (1980) 1 SCC 98; AIR 1979 SC 1369 ^[24]

This landmark case addressed the plight of thousands of under trial prisoners detained in Bihar jails for periods longer than the maximum punishment for their alleged offences. Public interest petitions revealed that poverty, lack of legal assistance, and systemic delays in investigation and trial caused prolonged detention. The petitioners raised that the right to life and personal liberty under Article 21 of the Constitution and the speedy trial is the necessary element of this right. The State explained the delays by the lack of judges, administrative challenges, and procedural limitations. The Supreme Court dismissed these interpretations and confirmed that the right to a speedy trial was a fundamental right in Article 21. The Court directed the release of many under trial inmates and oversaw the compliance. The ruling also greatly reinforced the jurisprudence of prisoner rights and highlighted fairness and prompt justice in the criminal process.

Sheela Barse v. State of Maharashtra, (1983) 2 SCC 96 ^[25]

In this case, it arose due to a petition being made by journalist and activist, Sheela Barse, who obtained information about harsh custodial abuses where women were being held in Maharashtra prisons. Problems that were raised in the petition included absence of legal support, abuse of custody, and negligence of the under trial women prisoners. The petitioner also believed that women detainees were frequently interrogated and incarcerated without having access to a lawyer and could be exploited and abused. The State argued that the current regulations were adequate and that further efforts were challenging due to administrative and resource constraints. The Supreme Court stated that incarceration does not deny an individual fundamental human dignity and rights. It instructed officials to provide legal assistances, immediate production in the magistrate, and separation of women inmates of male prisoners, and frequent investigations of prisons. The case facilitated the protection of women inmates and the need to provide the State with humane custody practices.

Prisons Rehabilitation and Reformation in India

Prisoners Rehabilitation in India: Rehabilitation is defined as the recovery of convicts back to society as law-abiding citizens who are responsible after serving their term. The Indian prison system is aware of the fact that punishment cannot decrease crime unless the offenders are given a chance to improve themselves and fit in the society. Rehabilitation is aimed at educating, training inmates, teaching those skills, and psychological counseling to make them ready to life when they are released. Most of the prisons offer literacy courses, crafts, farm, carpentry, and other skills that keep the prisoners occupied and assist them to get jobs. Such programs are geared towards curbing recidivism through enhancing the self-confidence of the prisoners and offering them constructive alternatives to crime hence enabling them to reintegrate successfully in the society ^[26].

Prisoner Reformation in India: Reformation is aimed at transforming attitudes, behavior and the mentality of prisoners with an objective of making them live a

responsible life in future. It is more what is good and right instead of punishments. Activities involved in Indian correctional system are meant to facilitate reformation, and these include counseling, meditation programs, cultural activities and moral education. Enrolment in spiritual programs, yoga classes, and behavioural therapy assist inmates to gain self-control and positive mentality. Reformation is also associated with providing a conducive atmosphere in the prisons that helps the inmates to reflect on their behaviours and learn through their mistakes. These efforts are meant to help the prisons to turn the offenders into responsible people who contribute positively in society [27].

Evaluation of Implementation of Reform Committee Recommendations

Evaluation of prison reform committees shows that India has moved toward a human rights-oriented prison system, but progress remains uneven. The problems such as overcrowding, the under trial detention, the custodial violence, poor classification and neglect of women prisoners were brought to light by such committees as the All India Committee on Jail Reforms and the Committee on Women Prisoners. Though their suggestions had an impact on policy frameworks such as the Model Prison Manual, states have not had uniform implementations. Slow structural reforms have been affected by federal prison governance, financial constraints and political priority. Therefore, policy changes can be found, but application in real-life and across the board is minimal [28].

Implementation of the Mulla Committee Recommendations: Mulla Committee (1983) proposed reforms on the way prisons should be run, which includes humanizing them and turning them into a place of correction. It recommended the amendment of the colonial laws of prison, better living conditions, categorizing prisoners, enhancing legal assistance, and minimizing the under trial detention. The Model Prison Manual includes some of these recommendations such as the classification of the prisoners, vocational training, open prisons, and grievance mechanisms. Judicial awareness and legal aid clinics have enhanced the rights of prisoners. Nevertheless, staff shortages, overcrowding, and the lack of a standard national law on the prison remain major restrictive factors [29].

Implementation of the Krishna Iyer Committee Recommendations: The Krishna Iyer Committee aimed at women prisoners and juvenile detainees by suggesting gender sensitive reforms, higher staffing of women, adequate healthcare, and maternity care and child welfare services. There are women prisons and separate enclosures that have been established in some states and regulations of children in prisons have been developed. The number of women staff has been raised. Nevertheless, a majority of the prisons do not have proper healthcare, counselling, children care facilities, and rehabilitation programmes available to women inmates [30].

Central and State Government Role in Reforms: Prisons are included in the State List and therefore the state governments are charged with the responsibility of managing, providing infrastructure, staffing and funding.

Unequal prison conditions exist among the states due to variations in resources. The central government also has a supportive role in providing model laws, financing modernization plans, and launching such programs as e-Prison systems. However, consistent improvements are hindered by the absence of national law. Prison reforms must engage in cooperative federalism, which is well-coordinated, funded, and constantly guided by the central and state governments [31].

Challenges and Policy Measures for Effective Prison Reforms

The reforms of prisons are needed to make sure that the correctional institutions operate in a humane, efficient, and reform-based way. There are however a number of structural and administrative constraints to effective reform in regard to Indian prison system. Such challenges influence the living conditions of the prisoners and diminish the chances of prisons to center on rehabilitation and reintegration. Hence, proper policy interventions are needed to resolve such problems and enhance general operations of prison management.

- **Overcrowding of Prisons:** Overcrowding is one of the significant problems due to the excess number of under trial inmates and lack of sufficient capacity. Increased infrastructure and the use of alternatives to imprisonment can be used to curb the congestion.
- **Slowness of Judicial Processes:** The delay comes as a result of slow investigation and long court processes that cause long under trial detention. Policies to consider are speedy trials and improved case management systems.
- **Inadequate Infrastructure and Resources:** Most prisons are poorly maintained and lack sanitation and health facilities. There is a need to increase government funding and modernize the prison facilities.
- **Lack of Trained Prison Personnel:** There is a shortage of trained prison officers in the supervision and management. Professional training programs are required as well as recruitment.
- **Rehabilitation Programs are necessary:** Lack of educational and vocational programs do not give the prisoners sufficient opportunity to reform. Rehabilitation programs should be strengthened so that the inmates will be able to integrate into the society [32].

Conclusion

The study concludes that overcrowding and the increasing number of under trial prisoners have become serious structural problems within the Indian prison system. A big percentage of the inmates are not convicted because they have been held in custody because of delays in investigations, prolonged legal procedures, as well as inaccessibility to legal assistance and bail. Such circumstances cause strain on prison facilities, minimize healthcare and other basic service accessibility, and undermine the rehabilitative nature of incarceration. The review of the constitutional clauses demonstrates that the prisoners have the legal right to be afforded basic rights like dignity, equality, and protection by the custodial violence,

but it is not always exercised in practice. The research also concludes that to counter the crisis, there is a need to make meaningful prison reforms, such as speedy trials, enhanced legal assistance, better prison facilities, and increased rehabilitation services. Thus, the judiciary, governmental and human rights organizations are to work closely to provide humane prison administration and so that prisons are turned into correction and reintegration institutions instead of detention.

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