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# **THE DEPRESSING UPSURGE OF UNDERTRIALS AND CONVICTS IN THE PAST TWO DECADES - A STATISTICAL ANALYSIS FROM 2000-2023 OF INDIAN JAILS: IS THERE ANY ROAD AHEAD?**

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## **ABSTRACT**

Prison reforms are a topic of every conference, seminar, workshop, and academic discussion. In the past two decades i.e., from 2000-2023 the prison reforms were being worked upon. The authorities have been trying hard to overcome the problems and issues of the prisons all over India. The researcher starts the research and the data collection with the hypothesis that the condition of prisons has reformed. The pendency of cases in criminal matters has decreased and the overcrowding has reduced in the prisons. However, the researcher has found that the hypothesis which was taken is proved negative. The condition of overcrowding has not improved. The number of cases pending has increased two-fold, and the percentage of undertrials and convicts has increased in the past twenty years but on similar lines the jails' infrastructure has not improved. It was seen that Sub Jails and Special Jails decreased in the past years. Central Jails, District Jails, Open jails, and women's jails have increased in the past two decades. However, having seen the increase in the number of jails, the issue of overcrowding is not reduced. Maybe the answer lies in the Judiciary and Courts of Law itself. Are the Courts utilizing all options of sentencing to keep the offenders away from the jails? Are the probation, admonition, bail, and parole legal recourses being utilized? There are some questions which need to be answered as the researcher observes a huge pendency in cases in the past twenty years. Future research would be to know at what stages the offenders are getting stuck in the courts of law and to know more about the utilization of other alternatives to imprisonments by the courts of law. This research concludes that there is no improvement in the condition of overcrowding of prisoners in the Indian jails from the past two decades and there is an increase in the pendency of Criminal Cases in Indian courts. One development which the researcher appreciates is that the Ministry of Home

Affairs (MHA) has prepared the Model Prison's Act, 2023. This Model Prison's Act, will be a new development for us as it will replace the old outdated colonial era prison laws of India which were being followed till today

**Keywords:** Prison Reforms, Overcrowding, Criminal Case Pendency, Statistics on Prisoners.

The Prisons Act, 1894, serves as the foundation for today's jail management and operation in India. 'Reformation and rehabilitation' of offenders were identified as the aims of the prison administration for the first time in the history of jails in Indian Jail Committee 1919–20. In 1957, the Government of India established the All-India Jail Manual Committee, which conducted a thorough examination of jail problems and produced a Model jail Manual for State Governments in 1959. A thorough report on prison management was provided by the Working Group on Prisons in 1972–1973. In its report, the Working Group noted the following: "The country's prison administration is generally depressing. Many prisons are severely "overcrowded," and most prison buildings are outdated and inadequate. The adults, adolescents, juveniles, women, and lunatics are often imprisoned in common institutions, and there is a major dearth of distinct institutions for these diverse kinds of convicts. Convicts and undertrials are housed in some institutions nationwide".<sup>1</sup> Subsequently there were many committees like the Justice A.N. Mulla Committee (1980), Justice Krishna Iyer Committee (1987), and lately to enhance the management and administration of Indian prisons, the Ministry of Home Affairs, Government of India, established a Committee for the Formulation of a Model Prison Manual in 2000. The Model Prison's Act, 2023 has been created by the Ministry of Home Affairs. This Model Prison's Act, which will replace the outmoded colonial-era Indian prison rules that are still in use today, will be a new development for us.

Justice Madan B Lokur states in *Re-Inhuman Conditions In 1382*, "Prisoners are peculiarly and doubly handicapped. For one thing, most prisoners belong to the weaker segment, in poverty, literacy, social station and the like. Secondly, the prison house is a walled-off world which is incommunicado for the human world, with the result that the bonded inmates are invisible, their voices inaudible, their injustices unheeded. So, it is imperative, as implicit in Article 21, that life

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<sup>1</sup> Working Group on Prisons, Report (1972-1973), paras.1.1.1.

or liberty, shall not be kept in suspended animation or congealed into animal existence without the freshening flow of fair procedure.”<sup>2</sup>

As far back as in 1980, in the famous *Sunil Batra Case*, Justice V Krishnaiyer explicated the position of prisoners by quoting, “Are prisoners’ persons? Yes, of course. To answer in the negative is to convict the nation and the Constitution of dehumanization and to repudiate the world legal order, which now recognizes the rights of prisoners in the International Covenant of Prisoners' Rights to which our country has signed assent”<sup>3</sup>

In *Rama Murthy vs State of Karnataka*<sup>4</sup>, Justice B. L. Hansaria identifies nine issues facing prisons and needing reforms. They are: (i) over-crowding; (ii) Delay in trial;(iii) Torture and ill-treatment;(iv) Neglect of health and hygiene;(v) Insubstantial food and inadequate clothing;(vi) Prison vices;(vii) Deficiency in communication;(viii) Streamlining of jail visits;(ix) Management of open-air prisons.<sup>5</sup>

The COVID epidemic presented India with its greatest problem in 2020, and the government was forced to consider the issue of prison overcrowding carefully because social isolation was the key to reducing the threat of the virus. The jails might become a breeding ground for the terrible COVID-19 virus, endangering the lives of others, so the authorities had to take this problem seriously.

“Overcrowding of prisons is a phenomenon, plaguing several countries including India. Some prisoners might not be willing to be released given their social background and the fear of becoming victims of the deadly virus”.<sup>6</sup> The authorities are instructed to take the detainees' worries into consideration in such unusual circumstances. It became clear throughout the pandemic that prison overcrowding increased the danger of the COVID-19 virus spreading. The authorities are

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<sup>2</sup> Re-Inhuman Conditions In 1382 ... vs. on 5 February 2016 W.P. (C)No. 406 of 2013 Available at <https://indiankanoon.org/doc/142387238/> Visited on 4.10.2023.

<sup>3</sup> Sunil Batra vs Delhi Administration, 1980 SCR (2) 557, Available at <https://indiankanoon.org/doc/778810/> Visited on 4.10.2023

<sup>4</sup> AIR 1997 SC 1739

<sup>5</sup> *Rama Murthy vs State of Karnataka* , AIR 1997 SC 1739, Available at <https://indiankanoon.org/doc/748775/>, Visited on 1.10.2023

<sup>6</sup> During the period of the pandemic, in the *High Court of Judicature For ... vs The State of Rajasthan*, Justice Aniruddha Bose highlighted the issue of Overcrowding. Available at <https://indiankanoon.org/doc/82897858/>, Visited on 5.10.2023

instructed to make sure that all incarcerated convicts have access to appropriate medical facilities during certain times. Regular testing of both inmates and jail staff, as well as the provision of rapid medical care, helped to contain the spread of the COVID-19 virus within the prison system. The authorities were asked to maintain levels of daily hygiene and sanitation to control the spread of the COVID-19 virus and to prevent the transmission of the deadly virus among the inmates of prisons<sup>7</sup>

The year 2020 saw the Supreme Court take up a *Suo Motu Writ Petition* for further hearing and investigation into the potential transmission risk and lethal effects of COVID-19 in prisons. The court also ordered each state and union territory to form a High-Powered Committee (HPC) to determine which classes of prisoners can be released on parole or an interim bail for however long may be deemed appropriate. The Supreme Court has left it up to the HPC to decide which prisoners fall into the above-mentioned category, depending on the type of crime they were convicted of how many years they were sentenced to serve, how serious the crime was, whether they are currently being tried for it, and any other relevant factors. The Union of India were given specific instructions by the Supreme Court in the *Suo Motu Writ Petition* to make sure that all prisoners who have been released by the States/Union Territories are given transportation to get home or the choice to stay in temporary shelter homes during the lockdown.

Now, the Covid pandemic has become a part of history. During that time the Supreme Court for the welfare of the prisoners and the common citizens acted swiftly and thought about the overcrowding of the prisons.

The situation after the pandemic remains the same. The overcrowding of prisons has not gone down. 90% of the prisoners have returned to the prisons after they were called back by the authorities.

Andhra Pradesh Governor S. Abdul Nazeer has said that issues about overcrowding of prisons and the pursuit of alternative forms of incarceration are important while planning reforms

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<sup>7</sup> Gangadhar@ Baburao Nagorao ... vs The State Of Maharashtra And ... on 20 August 2021, Criminal Writ Petition No. 746 OF 2021 (crwp746.21.odt) Available at <https://indiankanoon.org/doc/40404095/>, Visited on 3.10.2023.

in the prison administration, pointing out that the prisons in the country are overcrowded to the extent of 129%.<sup>8</sup>

A three-person committee led by Justice Roy (Ret.) was established by the Supreme Court in September 2018 to examine jail reform-related concerns and give recommendations on a variety of topics, including prison overpopulation. The committee has noted that the prison population awaiting trial accounts for a large portion of the overcrowding problem. There are a lot of inmates awaiting trial who have been imprisoned for years in many states. The committee noted that, while to varied degrees, the sleeping quarters in almost all of the jails visited showed a terrible scenario. Construction work was seen in one or two jails, but the overall condition of the sleeping quarters remains pitiful.

The situation is considerably worse in the barracks, where women prisoners are crowded together with their young children, whose ages range from a few months to six years, exposing them to a variety of health and safety problems. Speedy judicial proceedings are one of the main ways to address this "unwanted phenomenon" because the majority of the country's prisons are overcrowded with undertrial inmates who are disproportionate to the number of convicted criminals. The courts are not making full use of the current legal alternatives for sentencing, an option to an imprisonment sentence, for various offenses, such as fine, probation, and admonition. The panel has mentioned a few frequently observed factors that contribute to jail overcrowding, such as stagnant prison infrastructure in the face of a steady increase in inmate flow, a lack of initiative and drive for expanding or improving prison infrastructure, avoidable arrests and incarceration for minor offenses, and delays in investigation and trial.

### **The Pendency and Overcrowding in Indian Jails - Statistical Data Since Year 2000-2023**

The Indian criminal justice system has witnessed significant changes over the past two decades. One of the most concerning trends has been the upsurge of undertrials and convicts in Indian jails. This phenomenon has raised questions about the effectiveness and fairness of the legal process in the country. This article presents a comprehensive statistical analysis of the trends from

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<sup>8</sup> The Hindu, September 12, 2023, at <https://www.thehindu.com/news/cities/Visakhapatnam/indian-prisons-are-overcrowded-to-extent-of-129-says-andhra-pradesh-governor-abdul-nazeer/article67298760.ece>, Visited on 3.10.2023.

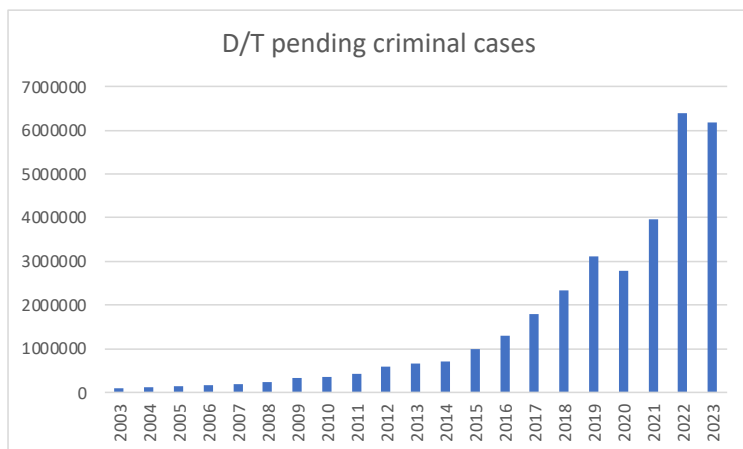
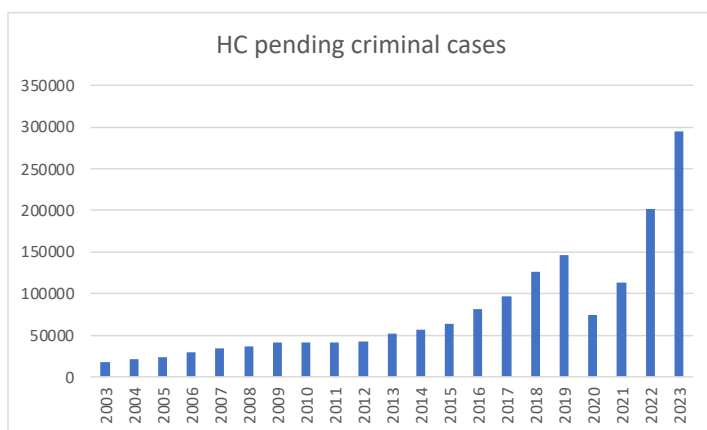
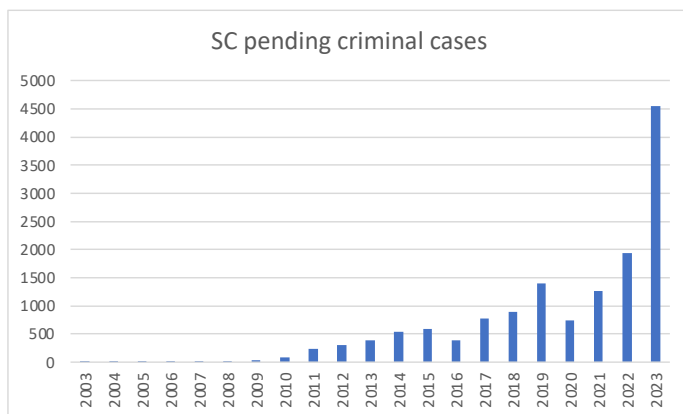
the year 2000 to 2023, shedding light on the factors contributing to this surge. Over the past two decades, the number of individuals incarcerated in Indian jails has seen a substantial increase. According to data obtained from the National Crime Records Bureau (NCRB), in the year 2000, there were approximately 2,18,000 inmates in Indian jails. By 2023, this number had surged to over 4,92,000 marking a staggering 125% increase. A primary contributor to the upswing in the number of undertrials is the backlog of cases in the Indian legal system. This delay in the disposal of cases often leads to individuals spending extended periods in jail awaiting trial. The below table shows the number of Criminal cases pending in the district, taluka, High courts and Supreme court from 2000-2023<sup>9</sup>

***Table 1: Number of Criminal Cases Pending in Indian Courts since 2000***

<b>Year</b>	<b>D/T pending criminal cases</b>	<b>HC pending criminal cases</b>	<b>SC pending criminal cases</b>
<b>2003</b>	92885	18128	1
<b>2004</b>	117693	21913	1
<b>2005</b>	137277	23537	5
<b>2006</b>	163477	29086	1
<b>2007</b>	191448	34263	9
<b>2008</b>	248529	37194	24

<sup>9</sup> <https://njdg.ecourts.gov.in/njdgnew/index.php>

<b>2009</b>	320993	41054	41
<b>2010</b>	367404	41576	91
<b>2011</b>	430274	41066	238
<b>2012</b>	590653	42796	302
<b>2013</b>	667174	51944	388
<b>2014</b>	710595	56853	541
<b>2015</b>	992361	63204	588
<b>2016</b>	1297729	81586	382
<b>2017</b>	1791593	96621	775
<b>2018</b>	2338854	125764	896
<b>2019</b>	3116290	146661	1396
<b>2020</b>	2781530	74217	738
<b>2021</b>	3967063	112798	1259
<b>2022</b>	6401435	201268	1941
<b>2023</b>	6171612	294351	4551

**Figure 1: District and Taluka Courts – Criminal Cases Pending****Figure 2: High Courts- Criminal Cases Pending****Figure 3: Supreme Court: - Criminal Cases Pending**

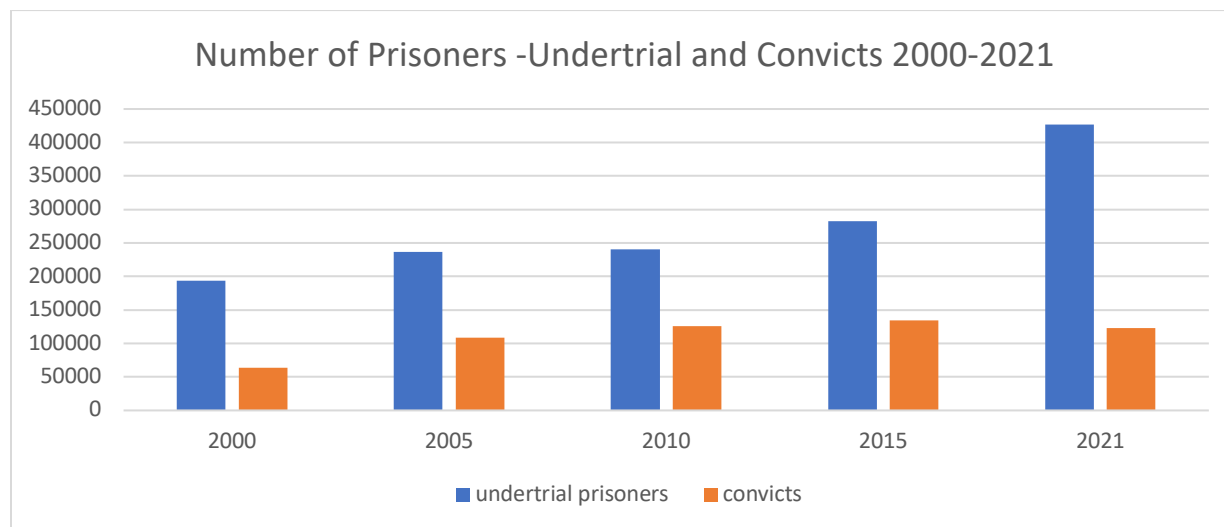


The increase in the number of prisoners in the past twenty years has worsened the situation of overcrowding. It is observed from the below table that there is a rapid increase in the number of inmates and it has led to severe overcrowding in Indian jails. This overcrowding exacerbates the living conditions for prisoners, hampers their rehabilitation, and poses significant challenges for the prison authorities. The below table shows the number of undertrial prisoners and convicts in Indian jails from 2000 to 2021<sup>10</sup>

***Table 2: Number of Undertrials and Convicts in Indian Jails from the past 20 years***

Year	Undertrial Prisoners	Convicts
<b>2000</b>	193627	63975
<b>2005</b>	237076	108572
<b>2010</b>	240098	125789
<b>2015</b>	282076	134168
<b>2021</b>	427165	122852

<sup>10</sup> Source: <https://njdg.ecourts.gov.in/njdgnew/index.php>

**Figure 4: The increase in the Number of Prisoners in Indian Jails in the last twenty years.**

The below table shows the number of undertrials prisoners (Male/Female/Transgenders) and convicts Male/Female/Transgenders) in Indian jails from 2000-2021<sup>11</sup>

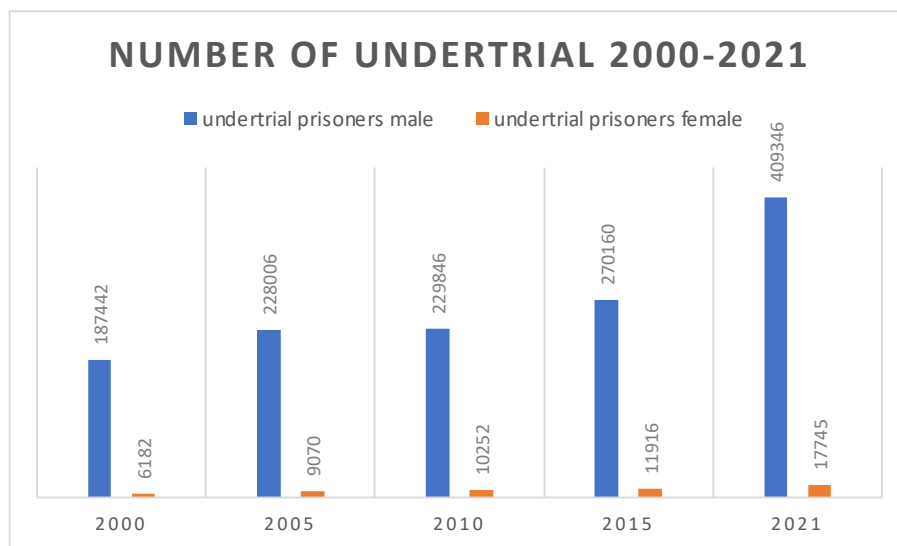
**Table 3: Number of undertrials prisoners in Indian jails from 2000-2021**

Year	Undertrial Prisoners Male	Undertrial Prisoners Female	Undertrial Transgender	Convicts Male	Convicts Female	Convicts Transgender
2000	187442	6182	0	62234	1741	0
2005	228006	9070	0	105029	3543	0
2010	229846	10252	0	121157	4632	0

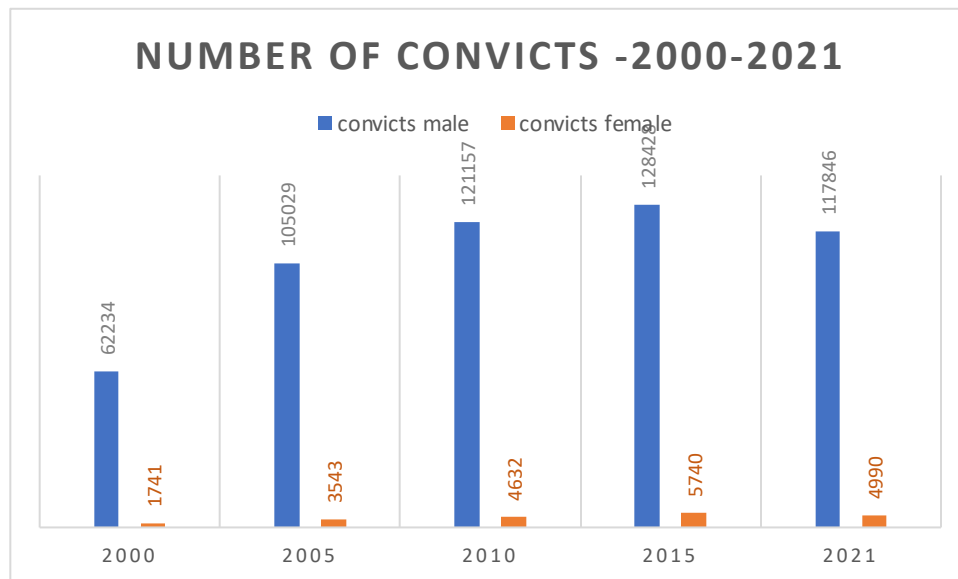
<sup>11</sup> Source: <https://njdg.ecourts.gov.in/njdgnew/index.php>

<b>2015</b>	270160	11916	0	128428	5740	0
<b>2021</b>	409346	17745	74	117846	4990	16

**Figure 5: Number of undertrials prisoners (Male/Female/Transgenders) in Indian jails from 2000-2021<sup>12</sup>**



<sup>12</sup> Source: <https://njdg.ecourts.gov.in/njdgnew/index.php>

**Figure 6: Number of Convicts Male/Female/Transgenders) in Indian jails from 2000-2021<sup>13</sup>**

The overcrowding in jails is due to the lack of infrastructure facilities in the jails. The population of inmates have increased from 2020-2021 but there is no new infrastructure development to cope with the increasing population of jails. The occupancy rate is more than 100% in many jails.

The below table shows the occupancy capacity and the number of inmates in all jails of India.

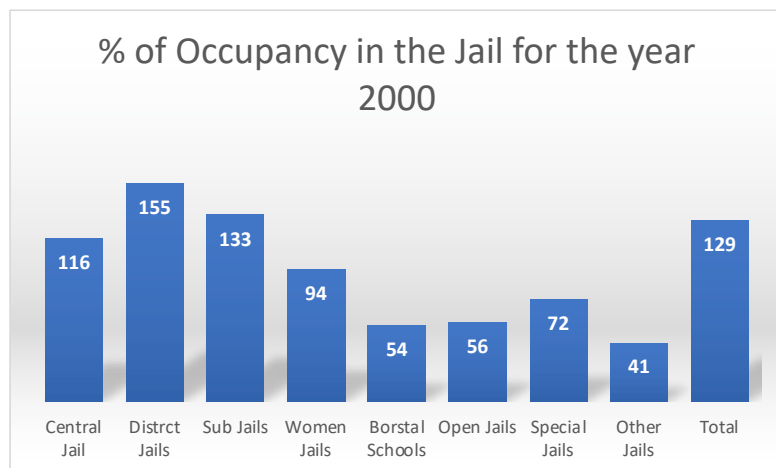
**Table 4: Occupancy in Jails -Year 2000<sup>14</sup>**

Type of Jail	Number of Jails in India	Capacity of Jail (Male)	Capacity of Jail (Female)	Number of Inmates (Male)	Number of Inmates (Female)	Total Inmates	Total capacity of Jail	Percentage of Occupancy in the Jail
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<sup>13</sup> Source: <https://njdg.ecourts.gov.in/njdgnew/index.php>

<sup>14</sup> Source: <https://njdg.ecourts.gov.in/njdgnew/index.php>

<b>Central Jail</b>	90	93539	2498	108935	2280	111215	96037	115.80
<b>District Jails</b>	256	68774	3306	108611	3010	111621	72080	154.86
<b>Sub Jails</b>	635	27909	2922	39328	1562	40890	30831	132.63
<b>Women Jails</b>	14	0	2010	0	1889	1889	2010	93.98
<b>Borstal Schools</b>	12	2094	56	985	173	1158	2150	53.86
<b>Open Jails</b>	21	2041	0	1149	4	1153	2041	56.49
<b>Special Jails</b>	20	4455	199	3209	150	3359	4654	72.17
<b>Other Jails</b>	10	1859	58	773	21	794	1917	41.42
<b>Total</b>	1058	200671	11049	262990	9089	272079	211720	128.51

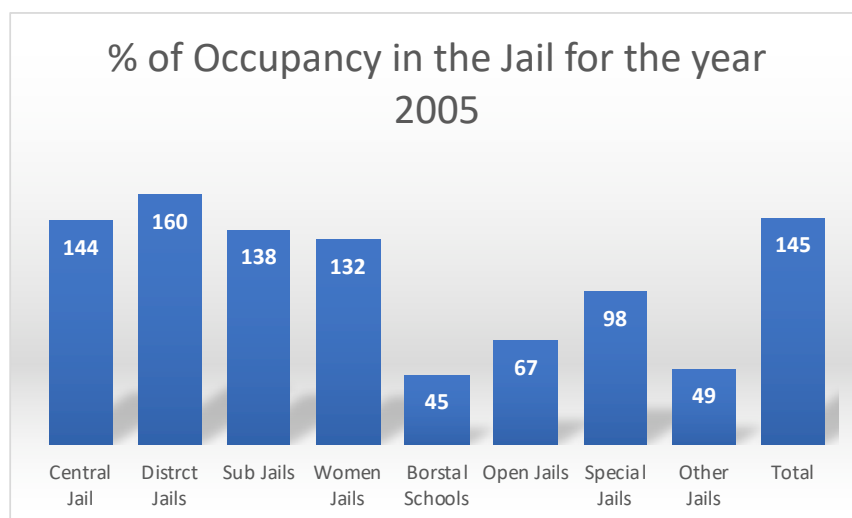
**Figure 7: Percentage of Occupancy in Indian Jails – Year 2000<sup>15</sup>****Table 5: Occupancy in Jails -Year 2005<sup>16</sup>**

Type of Jail	Number of Jails in India	Capacity of Jail (Male)	Capacity of Jail (Female)	Number of Inmates (Male)	Number of Inmates (Female)	Total Inmates	Total capacity of Jail	Percentage of Occupancy in the Jail
Central Jail	109	108421	3496	156668	4323	160991	111917	143.85
District Jails	284	81196	4635	133083	4649	137732	85831	160.47
Sub Jails	849	31869	3271	46798	1745	48543	35140	138.14

<sup>15</sup> Source: <https://njdg.ecourts.gov.in/njdgnew/index.php><sup>16</sup> Source: <https://njdg.ecourts.gov.in/njdgnew/index.php>

<b>Women Jails</b>	14	0	2243	0	2961	2961	2243	132.01
<b>Borstal Schools</b>	12	2250	216	970	136	1106	2466	44.85
<b>Open Jails</b>	27	3281	0	2181	14	2195	3281	66.90
<b>Special Jails</b>	26	3950	297	4043	128	4171	4247	98.21
<b>Other Jails</b>	7	1332	40	639	30	669	1372	48.76
<b>Total</b>	1328	232299	14198	344382	13986	358368	246497	145.38

**Figure 8: Percentage of Occupancy in Indian Jails – Year 2005**



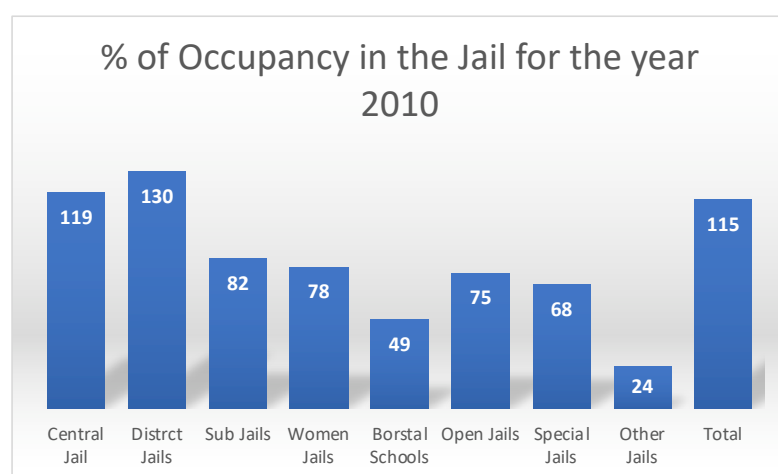
**Table 6: Occupancy in Jails -Year 2010**

Type of Jail	Number of Jails in India	Capacity of Jail (Male)	Capacity of Jail (Female)	Number of Inmates (Male)	Number of Inmates (Female)	Total Inmates	Total capacity of Jail	Percentage of Occupancy in the Jail
<b>Central Jail</b>	123	133894	4843	159869	4808	164677	138737	118.70
<b>District Jails</b>	322	111617	6771	148644	5733	154377	118388	130.40
<b>Sub Jails</b>	836	42699	4800	37935	1219	39154	47499	82.43
<b>Women Jails</b>	18	0	3600	0	2799	2799	3600	77.75
<b>Borstal Schools</b>	21	2030	210	920	172	1092	2240	48.75
<b>Open Jails</b>	44	3576	50	2643	61	2704	3626	74.57
<b>Special Jails</b>	26	5171	866	3875	243	4118	6037	68.21



<b>Other Jails</b>	3	323	0	75	2	77	323	23.84
<b>Total</b>	1393	299310	21140	353961	15037	368998	320450	115.15

**Figure 9: Percentage of Occupancy in Indian Jails – Year 2010<sup>17</sup>**



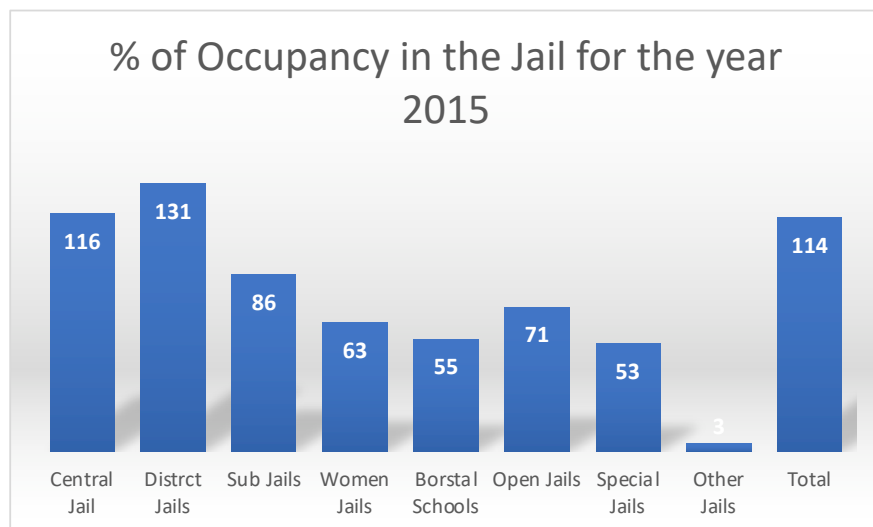
**Table 7: Occupancy in Jails -Year 2015<sup>18</sup>**

Type of Jail	Number of Jails in India	Capacity of Jail (Male)	Capacity of Jail (Female)	Number of Inmates (Male)	Number of Inmates (Female)	Total Inmates	Total capacity of Jail	Percentage of Occupancy in the Jail
<b>Central Jail</b>	134	152634	6524	179203	5979	185182	159158	116.35

<sup>17</sup> Source: <https://njdg.ecourts.gov.in/njdgnew/index.php>

<sup>18</sup> Source: <https://njdg.ecourts.gov.in/njdgnew/index.php>

<b>District Jails</b>	379	129378	8594	173510	7383	18089 3	137972	131.11
<b>Sub Jails</b>	741	41608	4760	38869	1120	39989	46368	86.24
<b>Wome n Jails</b>	18	0	4748	0	2985	2985	4748	62.87
<b>Borstal Schools</b>	20	1803	27	990	13	1003	1830	54.81
<b>Open Jails</b>	63	5250	120	3680	109	3789	5370	70.56
<b>Special Jails</b>	43	10225	690	5524	245	5769	10915	52.85
<b>Other Jails</b>	3	420	0	13	0	13	420	3.10
<b>Total</b>	1401	341318	25463	401789	17834	41962 3	366781	114.41

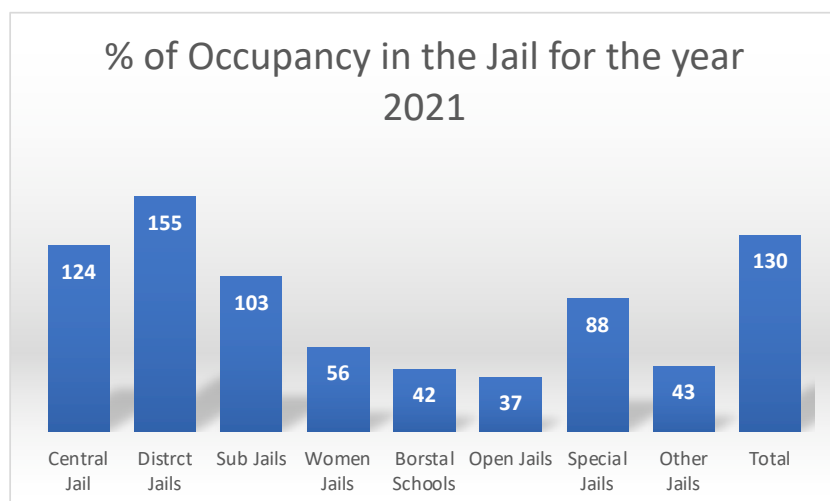
**Figure 10: Percentage of Occupancy in Indian Jails – Year 2015****Table 8: Occupancy in Jails -Year 2021<sup>19</sup>**

Type of Jail	Number of Jails in India	Capacity of Jail (Male)	Capacity of Jail (Female)	Capacity of Jail (Transgender)	Number of Inmates (Male)	Number of Inmates (Female)	Inmates of Jail (Transgender)	Total Inmates	Total capacity of Jail	percentage of occupancy in the jail
Central Jail	148	185842	7670	24	232242	7015	54	239311	193536	123.65
District Jails	424	153682	9905	19	243572	10622	20	254214	163606	155.38
Sub Jails	564	41072	4364	0	45550	1181	5	46736	45436	102.86

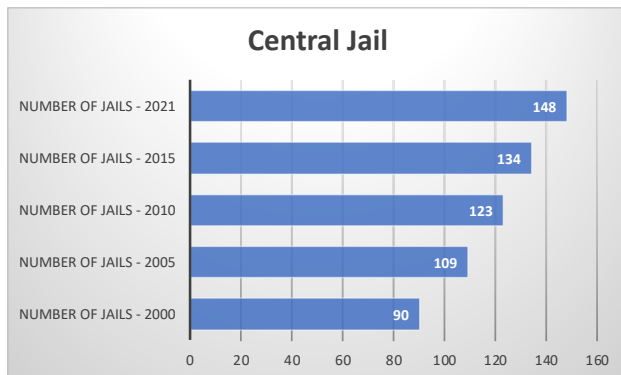
<sup>19</sup> Source: <https://njdg.ecourts.gov.in/njdgnew/index.php>

<b>Women Jails</b>	32	0	6767	0	3803	0	5	3808	6767	56.27
<b>Borstal Schools</b>	19	1775	0	0	745	0	0	745	1775	41.97
<b>Open Jails</b>	88	5806	147	0	2116	62	0	2178	5953	36.59
<b>Special Jails</b>	41	6950	523	0	6340	235	7	6582	7473	88.08
<b>Other Jails</b>	3	1013	50	0	460	0	0	460	1063	43.27
<b>Total</b>	1319	396140	29426	43	534828	19115	91	554034	425609	130.17

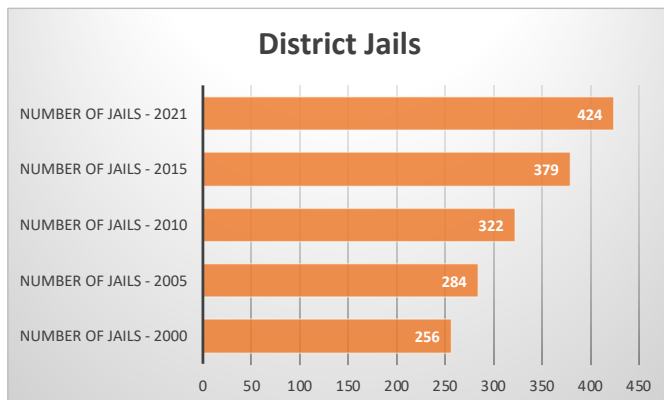
**Figure 11: Percentage of Occupancy in Indian Jails – Year 2021**



**Figure 12: Number of Central Jails in India 2000-2021**



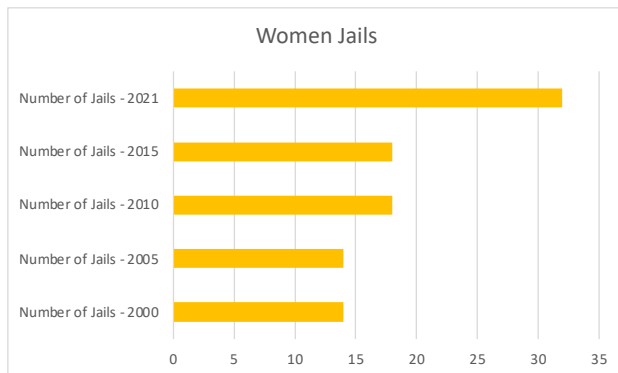
**Figure 13: Number of District Jails in India 2000-2021**



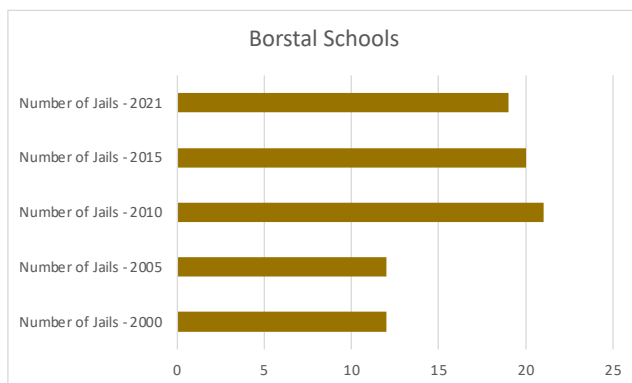
**Figure 14:: Number of Sub- Jails in India 2000-2021**



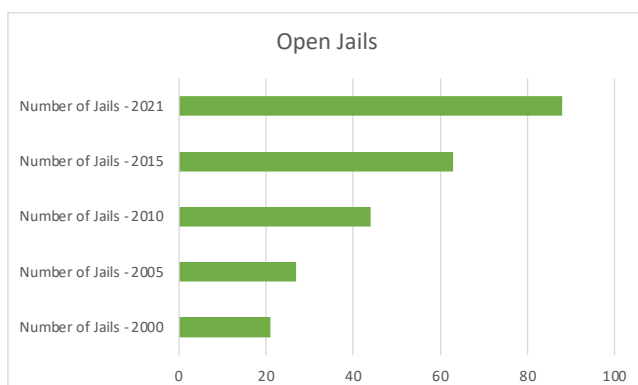
**Figure 15: Number of Women Jails in India 2000-2021**



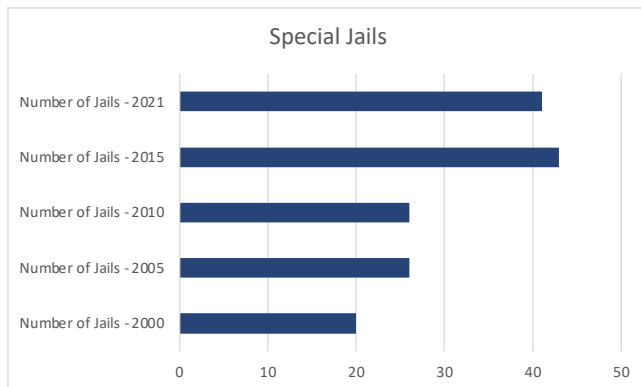
**Figure 16:: Number of Central Borstal Schools in India 2000-2021**



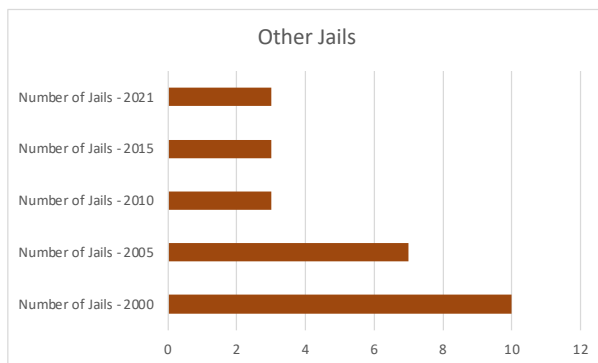
**Figure 17:: Number of Open Jails in India 2000-2021**



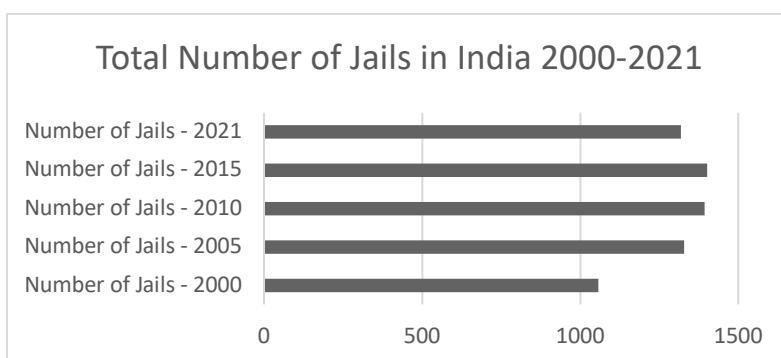
**Figure 18: Number of Special Jails in India 2000-2021**



**Figure 19: Number of Other Jails in India 2000-2021**



**Figure 20: Number of Total Jails in India 2020-2021**



**Data Analysis**

1. Figure 1 -there is an increase in 60, 78,727 cases in district and taluka courts from 2000 to 2023 which is a huge pendency as compared to 20 years ago. The cases have increased 65 times from 2000 to 2023.
2. Figure 2 - the pendency of cases has increased in High Courts with 15 times more cases. A total increase in pendency rate of 1523% from the year 2000.
3. Figure 3 - the pendency rate in Supreme Court cases has increased astonishingly. There was only one case pending in the Supreme Court in the year 2003 and today the cases have increased to more than 4000.
4. Figure 4 - the number of prisoners has increased over the past twenty years. The under trial in prisoners has increased by 120% and the convicts in the jails have increased by 92% in the past twenty years.
5. Figure 5-the number of undertrial males has increased by 120% and the number of under-trials for females has increased by 187%.
6. Figure 6 - the number of convicts Male has increased by 89% and the number of female convicts has increased by 186%. As compared to females, in the past twenty years, the male prisoners have more than the female prisoners in all years.
7. Figure 7 - the percentage of occupancy of 155% is highest in district jails in the year 2000. The second is sub jails with 133% and Central jails with 116%. The women's jails, borstal schools, open jails special and other jails show below 100% occupancy rate. The total occupancy in all jails is more than 100% Which is 129% in the year 2000.
8. Figure 8- the percentage of occupancy of 160% is highest in district jails in the year 2005. The second is central jails with 144%, sub jails with 138%. In 2005, The women's jails also had more than 100% occupancy of 132%. The borstal schools, open jails special and other jails show below 100% occupancy rate. The total occupancy in all jails is more than 100%



Which is 145% in the year 2005. There was an increase of 17% occupancy in 5 years since 2000-2005.

9. Figure 9- the situation was better in the year 2010. The percentage of occupancy 130 % is highest in district jails in the year 2010. The second is central with 119%. The women's jails, borstal schools, open jails, special and other jails show below 100% occupancy rate. The total occupancy in all jails is more than 100% Which is 115% in the year 2010. The occupancy rate decreased by 30% from 2005-2010.
10. Figure 10- the percentage of occupancy of 131 % is the highest in district jails in the year 2015. The second is Central jails with 116%. The sub-jails, women's jails, borstal schools, open jails special and other jails show below 100% occupancy rate. The total occupancy in all jails is more than 100% Which is 114% in the year 2015. The occupancy rate decreased by 1% from the year 2010-2015.
11. Figure 11- the percentage of occupancy of 155% is highest in district jails in the year 2021. The second is central jails with 124% and sub-jails with 103%. The women's jails, borstal schools, open jails special and other jails show below 100% occupancy rate. The total occupancy in all jails is more than 100% Which is 130% in the year 2021. The occupancy rate increased by 16% in the year 2021.
12. Figure 12 - the number of central jails has increased from the year 2000-2021. 58 new central jails were added in twenty years.
13. Figure 13 - the number of district jails has increased from the year 2000 to 2021. 168 new district jails were added in twenty years.
14. Figure 14- the number of sub-jails has decreased from the year 2000-2021. The highest number of subjails was in 2005. 564 sub-jails are in 2021 as compared to 849 in 2005.
15. Figure 15- the number of women jails has increased from the year 2000-2021. 18 new women's jails were added in twenty years.

16. Figure 16 - the number of Borstal Schools has increased from the year 2000 to 2021. 8 new Borstal schools were added in twenty years.
17. Figure 17-the number of open jails has increased from the year 2000-2021. 67 new open jails were added in twenty years.
18. Figure 18 - the number of special jails has increased from the year 2000-2021. 21 new special jails were added in twenty years.
19. Figure 19 - the number of other jails has decreased from the year 2000-2021. 7 special jails were reduced in twenty years.
20. Figure 20- the total number of jails in India was highest in the year 2015 and reduced in 2021.

## **Conclusion**

After analyzing the statistics on the prisoners in jails and the number of jails in India, it can be concluded that the Undertrials and the Convicts have increased in the prisons. There are more undertrials in the jails than the convicts who are awaiting justice. The statistics also show that the percentage of pendency of Criminal cases in all the courts has increased drastically. As the pendency increases, the rate of occupancy also increases. The drastic increase in pendency and prisoners has led to the problem of overcrowding and it persists in Indian jails.

## **Suggestions and Recommendations**

We need to address the issue of overcrowding. The speedy trial can become an effective tool to address this issue and hence, the following steps can be taken in this regard. As we had established fast-track courts for special offences, we need to work on having special fast-track courts to deal with trivial small offences which have only fines as punishment. This will significantly put a curb on increasing the number of undertrials in prisons. All the punishments must be explored which are alternatives to imprisonment.

If an accused can be let off by admonition or on probation such opportunity must be utilized to leave the accused. The High courts, District and Sessions Courts must regularly monitor the progress of cases pending in courts where the accused is in custody for more than one year in a session triable case and for more than six months in magistrate triable cases. Clearing Backlog of Cases must be done on a priority basis by the Courts of law.

Implementing measures to expedite the judicial process and clear the backlog of cases should be a top priority. The Authorities must look into strengthening Legal Aid: Ensuring that every accused person, especially those from marginalized communities, has access to competent legal representation is crucial in upholding the principles of justice. Focus should also be placed on the rehabilitation and reintegration of convicts back into society, with programs that equip them with the skills necessary to lead a productive life post-incarceration.

The proposed Undertrial Committee must be constituted and set up in every district, deliberate on and recommend the release of undertrial prisoners and convicts who have undergone their sentence or are entitled to be released from jail due to bail or remission granted to them. The surge in undertrials and convicts in Indian jails from 2000 to 2023 highlights the urgent need for comprehensive reforms in the criminal justice system. By addressing the underlying factors contributing to this upswing, India can take significant strides towards a more efficient, equitable, and humane legal system, ultimately upholding the fundamental rights of its citizens. Prison Reforms must be looked into by the government.

Addressing issues of overcrowding and improving living conditions within prisons is imperative for the humane treatment of inmates. India's incarceration system is prone to abuse since it was set up by the British to subjugate political prisoners. The Ministry of Home Affairs (MHA) finalized the preparation of the Model Prisons Act, 2023 which aims to replace the colonial-era prison laws. As the Existing Prisons Act 1894 has several lacunae and is too old, there is a need for the changing times. There is a need for new perspectives evolving on prisons and prison inmates globally in the last few decades. In recent years prisons are not seen as places of retributive deterrence but instead as reformatory and correctional institutions hence the new Model Prison Act must be enforced as soon as possible which may have an answer to the problems of overcrowding and other issues of the prisoners.