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Prison Reforms in India: Evaluating Undertrial Detention and Access to Justice

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Abstract:
India's prison system stands at a critical intersection of constitutional rights, criminal justice administration, and social equity. This paper examines the systemic crisis of undertrial detention and access to justice in India, situating these concerns within the broader framework of prison reform. Drawing on the National Crime Records Bureau's Prison Statistics India 2023 report, India Justice Report 2025, and recent legislative developments including the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, and the Model Prisons and Correctional Services Act, 2023, the paper critically evaluates the structural causes and constitutional consequences of India's undertrial crisis. With over 76% of India's prison population comprising undertrial prisoners individuals presumed innocent yet detained without conviction the paper analyses how judicial pendency, bail inaccessibility, inadequate legal aid, caste and class discrimination, and institutional deficiencies collectively perpetuate a system in which pre-trial detention functions as de facto punishment. The paper examines landmark Supreme Court jurisprudence from *Hussainara Khatoon* to *Satender Kumar Antil* and evaluates whether recent legislative reforms, particularly Section 479 BNSS, sufficiently address the structural causes of prolonged incarceration. It concludes that while India's legal framework for prison reform is increasingly progressive in design, its implementation remains profoundly inadequate, and proposes a set of structural reforms grounded in constitutional rights and international human rights standards.

Keywords: Undertrial Prisoners, Prison Reforms, Access to Justice, BNSS 2023, Speedy Trial.

1. INTRODUCTION

1.1 Background and the Scale of the Crisis

The prison, in any constitutional democracy, is the site at which the state's coercive power over its citizens is most visibly and most consequentially exercised. How a state treats those it incarcerates the conditions it maintains, the rights it preserves, and the speed with which it resolves the criminal proceedings that justify deprivation of liberty is among the most accurate measures of its fidelity to the values of dignity, equality, and due process that it formally professes. By this measure, India's prison system reflects a constitutional condition of prolonged, structural failure.

The National Crime Records Bureau's Prison Statistics India (PSI) 2023 report, released in September 2025, documents a system under severe and persistent distress. India's 1,332 prisons hold 5.30 lakh inmates against a sanctioned capacity of 4.25 lakh an occupancy rate of 120.8%, reduced slightly from 131.4% in 2022, but still representing the incarceration of over a lakh individual in conditions for which no institutional accommodation exists (National Crime Records Bureau [NCRB], 2023). Delhi's prisons operate at an alarming 200% occupancy, with prisons in Uttar Pradesh housing over 73,000 undertrial prisoners alone 184% of their designed capacity (The Print, 2025). Most critically, and most constitutionally consequentially, 76.2% of India's total prison population approximately 4.22 lakh of 5.30 lakh inmates comprises undertrial prisoners (UTPs): individuals who have not been convicted of any

offence and who are constitutionally presumed innocent under Article 20(3) of the Constitution of India (NCRB, 2023; SabrangIndia, 2025). This proportion, representing nearly three in four persons deprived of their liberty by the Indian state, is among the highest of any democracy in the world and has remained substantially stable between 67.7% in 2013 and 76.2% in 2023 increasing, not decreasing, over a decade that witnessed multiple legislative and judicial interventions (IndiaSpend, 2025; Newsclick, 2025).

The human, social, and constitutional cost of this reality is enormous. A third of all undertrials in 2023 had been in custody for more than one year in many cases for durations that exceed the maximum sentence for the offence with which they are charged (NCRB, 2023). The 2025 India Justice Report found the doctor-to-prisoner ratio at 1:775 against a recommended 1:300, and identified only 25 psychologists and psychiatrists for the entire national prison system one for every 22,929 inmates (PW Only IAS, 2025). In 2023, 1,972 deaths occurred inside India's prisons, of which 150 were unnatural, with suicides primarily by hanging accounting for 96 cases (The Print, 2025). The social composition of the undertrial population further reveals that incarceration functions not as a neutral instrument of criminal justice but as a mechanism of social stratification: 69.3% of all inmates belong to Scheduled Caste, Scheduled Tribe, and Other Backward Class categories; 25.1% are illiterate; Muslims who constitute approximately 15% of India's population account for 20.1% of all undertrials (PolicyEdge, 2025; DPRJ Universal, 2025; Newsclick, 2025). As SabrangIndia's analysis concluded, the NCRB's data does not merely describe overcrowding; it maps the architecture of India's social inequality onto the geography of its carceral institutions (SabrangIndia, 2025).

1.2 Research Objectives and Structure

This paper is guided by four objectives: to examine the constitutional and legislative framework governing undertrial detention and prison conditions in India; to critically evaluate the structural causes of the undertrial crisis and access-to-justice deficits; to analyse evolving judicial trends and recent legislative reforms including the BNSS 2023 and the Model Prisons and Correctional Services Act, 2023; and to propose evidence-based reforms. The paper adopts a doctrinal and critical socio-legal methodology, drawing on statutory texts, judicial decisions, official data, and policy assessments.

2. CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK

2.1 Constitutional Rights of Prisoners

The constitutional basis for prison reform and the rights of undertrial prisoners in India rests on a constellation of fundamental rights provisions that the Supreme Court has progressively extended to persons deprived of liberty. Article 21's guarantee of the right to life and personal liberty interpreted by the Court since *Maneka Gandhi v. Union of India* [AIR 1978 SC 597] to require that any procedure depriving a person of liberty must be not merely legal but just, fair, and reasonable is the foundational provision. The Supreme Court in *Hussainara Khatoon & Ors v. Home Secretary, State of Bihar* [AIR 1979 SC 1360] the first case in which the systemic crisis of undertrial detention was brought before the Court held unequivocally that the right to a speedy trial is a fundamental right under Article 21, and that the state's failure to provide this right cannot be justified by reference to resource constraints or administrative difficulties. The Court ordered the release of UTPs who had been detained for periods exceeding the maximum sentence for the offences charged establishing for the first time the principle that pre-trial detention is constitutionally impermissible beyond a reasonable limit.

Article 14's guarantee of equality before law and equal protection of the laws is directly implicated by the disproportionate incarceration of marginalised communities Dalits, Adivasis, Muslims, and the economically poor whose demographic over-representation in the undertrial population cannot be explained by crime rates alone, and reflects structural inequalities in police practices, bail accessibility, and legal representation (SabrangIndia, 2025; Dataful Insights, 2025). Article 20(3)'s presumption of

innocence while technically directed at the right against self-incrimination has been read by the Supreme Court as a constitutional value that animates the right to bail and the right to speedy trial: one who has not been convicted cannot, consistent with constitutional morality, be subjected to the same deprivations as one who has been (NUALS Law Journal, 2024). Article 39A mandates the state to secure that the operation of the legal system promotes justice on a basis of equal opportunity, and specifically directs that free legal aid be provided to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disability the principal constitutional basis for the National Legal Services Authority (NALSA) and Legal Services Clinics in prisons (Ministry of Home Affairs [MHA], 2024; Vajira Mandravi, 2025).

2.2 Governing Legislation: From the Prisons Act 1894 to the Model Act 2023

The primary statute governing Indian prisons remains, until states legislate replacement, the colonial-era Prisons Act, 1894 enacted 131 years ago under a British administration whose purposes for maintaining prisons were fundamentally different from those of a constitutional democracy. The Act's focus is almost entirely custodial and disciplinary: keeping prisoners in confinement, maintaining order, and enforcing institutional authority. It contains no provision for rehabilitation, reformation, prisoner education, mental health, or the rights of vulnerable categories including women, transgender persons, and persons with disabilities (MHA, 2023; Drishti IAS, 2025).

The recognition of these lacunae prompted the Ministry of Home Affairs to prepare and circulate the Model Prisons and Correctional Services Act, 2023 to all states and Union Territories on May 10, 2023, as a guiding document that states may adopt with such modifications as they consider necessary (MHA, 2023; PIB, 2023). The Model Act represents a paradigmatic shift from a custodial to a correctional ideology. It provides for individual sentence planning and rehabilitation, security assessment and prisoner segregation, separate accommodation for women and transgender inmates, a dedicated grievance redressal mechanism, video-conferencing with courts, parole and furlough provisions tied to good conduct incentives, and mandatory legal aid (MHA, 2023; Vision IAS, 2025). Critically, it also introduces provisions for open and semi-open prisons for low-risk inmates, and high-security institutions for high-risk offenders a differentiated institutional architecture that the current one-size-fits-all system does not accommodate. The critical structural limitation of the Model Act is, however, built into its legal form: as a guiding document for states rather than a centrally enacted statute, its adoption depends entirely on state legislative will. As of July 2024, 19 states and all Union Territories had adopted the Model Prison Manual 2016 a predecessor policy document but comprehensive legislative adoption of the Model Act's substantive reforms remains uneven across states (PW Only IAS, 2025; Vision IAS, 2025).

The three new criminal laws that came into force on July 1, 2024 the Bharatiya Nyaya Sanhita (BNS), 2023, the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, and the Bharatiya Sakshya Adhiniyam (BSA), 2023 replaced the Indian Penal Code, 1860; the Code of Criminal Procedure, 1973; and the Indian Evidence Act, 1872, respectively (NUALS Law Journal, 2024). These laws were enacted with the stated objective of delivering speedier, more citizen-centred justice, and include provisions particularly in the BNSS directly relevant to undertrial detention and bail.

3. THE UNDERTRIAL CRISIS: STRUCTURAL CAUSES AND ACCESS-TO-JUSTICE DEFICITS

3.1 Judicial Pendency and Trial Delays

The most proximate structural cause of India's undertrial crisis is the catastrophic backlog of cases before India's courts. As of 2025, over 5 crore cases remain pending across India's judicial hierarchy: 4.6 crore in district courts, 63.3 lakh in High Courts, and 86,700 in the Supreme Court (Insights on India, 2025). India operates with only 15 judges per 10 lakh of population, against the Law Commission of India's 1987

recommendation of 50 judges per 10 lakh a deficit that has only widened in the intervening decades (Insights on India, 2025). With 5,665 judicial positions vacant across the system and the judiciary operating at only 79% of its sanctioned strength, the structural incapacity of India's courts to process criminal trials within any constitutionally reasonable timeline is an arithmetic certainty, not a policy failing (Insights on India, 2025).

The consequence for undertrial prisoners is direct and devastating. A significant proportion of UTPs remain in pre-trial custody not because the courts have determined their detention is necessary to prevent flight or protect public safety the legitimate grounds for pre-trial detention in rights-based legal systems but simply because the court system cannot hear their cases. One study of field data across seven Assam district jails found that structural injustices including poverty, stigma, lack of effective legal aid, procedural adjournments, and mental health deterioration continue to define the lived experience of UTPs even after the enactment of the BNSS, confirming that legislative change has outpaced institutional absorption (IJLMH, 2024). The NCRB data that nearly one-third of undertrials have spent more than one year in custody and that a substantial number have spent more than the maximum sentence represents a system-level denial of the right to speedy trial articulated in *Hussainara Khatoon* forty-six years ago (NCRB, 2023).

3.2 The Bail System as a Mechanism of Class Exclusion

Bail the primary legal mechanism for the release of accused persons pending trial operates in India as a mechanism of class discrimination rather than a neutral assessment of flight risk or danger to the community. The requirement of cash bail and sureties under the Code of Criminal Procedure and its successor, the BNSS means that release on bail is effectively conditioned on economic capacity. For the economically poor who constitute the overwhelming majority of UTPs, as reflected in the 25.1% illiteracy rate and the 69.3% SC/ST/OBC proportion of inmates meeting bail conditions is financially impossible, even in cases involving non-serious or bailable offences (NCRB, 2023; Drishti IAS, 2025).

The Supreme Court directly addressed this structural inequity in *Satender Kumar Antil v. Central Bureau of Investigation* [(2022) 10 SCC 51], in which the Court issued comprehensive guidelines on bail, reiterated that "bail is the rule and jail is the exception," and directed courts and prosecutors to ensure that the right to bail under Section 436 CrPC (now BNSS) is meaningfully implemented rather than routinely denied through excessive surety conditions. The Court specifically noted that the inability to meet bail conditions due to poverty was causing UTPs to remain incarcerated for durations disproportionate to their alleged offences constituting a punitive consequence for being poor rather than for being dangerous (IJNRD, 2025). The Support to Poor Prisoners Scheme, launched by the MHA in 2023 with an annual allocation of ₹20 crore to provide financial assistance to inmates unable to meet bail conditions, has seen barely ₹28.67 lakh actually utilised by states an absorption rate of approximately 1.4% reflecting the profound gap between policy design and implementation reality (The Print, 2025).

3.3 Legal Aid Deficits

The constitutional promise of Article 39A free legal aid for those who cannot afford it is structurally undermined by the inadequacy of India's legal aid delivery system at the ground level. State and District Legal Services Authorities (SLSAs and DLSAs) maintain Legal Service Clinics in prisons and coordinate with the Undertrial Review Committees (UTRCs) established pursuant to the Supreme Court's 2015 directions to identify eligible UTPs for bail review (NALSA, 2025). NALSA's quarterly report data for April 2025 shows that only 12,756 prisoners were identified for UTRC review out of nearly 4 lakh UTPs a coverage rate of approximately 3.2% (NALSA, 2025). The total percentage of prisoners released through UTRC processes across India stood at 0.98% a marginal decrease from the previous quarter (NALSA,

2025). These figures reveal that the legal aid infrastructure, while formally established, is not operating at the scale or effectiveness needed to make a meaningful dent in the undertrial population.
The practical effectiveness of legal aid lawyers typically underpaid, overworked, and lacking adequate training in criminal procedure is a further structural limitation. In *Madhav Hayawadanrao Hoskot v. State of Maharashtra* [AIR 1978 SC 1548], the Supreme Court held that the right to free legal aid at state expense is a constitutional entitlement under Article 21, and that a trial conducted without competent representation for an accused who could not afford one is constitutionally infirm. The gap between this constitutional standard and the reality of state-provided legal aid reflected in the low quality of representation, high dropout rates among assigned lawyers, and the structural disincentive to robust adversarial advocacy in a system where legal aid fees are trivially low represents a systematic denial of the right that *Hoskot* proclaimed.

3.4 Caste, Community, and the Architecture of Incarceration

The NCRB data's most constitutionally disturbing revelations concern the social composition of India's undertrial population. Dalits constitute 22%, Adivasis 13%, and Muslims approximately 16% of all prisoners proportions that substantially exceed their shares of the national population (DPRJ Universal, 2025; Newsclick, 2025). Over the decade from 2013 to 2023, these proportions have remained structurally stable despite multiple legislative and judicial interventions indicating that the over-representation of marginalised communities in pre-trial detention reflects embedded, self-reproducing institutional discrimination rather than temporary or correctable administrative failures (Dataful Insights, 2025).
The Supreme Court in *Sukanya Shantha v. Union of India* [(2024) SCC OnLine SC] a case arising from journalistic investigation into prison conditions issued a landmark ruling declaring the practice of caste-based work allocation in Indian prisons unconstitutional, holding that assigning Dalits to cleaning tasks and upper-caste prisoners to cooking, or allocating housing based on caste, violates Articles 14, 15, and 21 of the Constitution (PW Only IAS, 2025; Vajira Mandravi, 2025). The Court directed all states to amend their jail manuals to eliminate caste-discriminatory provisions and mandated compliance with the guidelines on procedural safeguards established in *Arnesh Kumar v. State of Bihar* [(2014) 8 SCC 273] guidelines that require police officers to assess the necessity of arrest against specified criteria before making an arrest for offences attracting less than seven years' imprisonment to reduce the discriminatory over-arrest of marginalised communities that feeds the undertrial pipeline (Vajira Mandravi, 2025).

4. LEGISLATIVE REFORMS AND JUDICIAL TRENDS

4.1 Section 479 BNSS: Reform and Its Limitations

The most significant statutory intervention for undertrial prisoners in recent years is Section 479 of the BNSS, 2023, which replaced Section 436A of the CrPC. Section 479 creates three categories of undertrial relief: (a) release on bail for undertrials who have served up to half the maximum sentence for the offence charged; (b) a novel provision for first-time offenders those with no prior conviction entitling them to release on bond after serving one-third of the maximum sentence; and (c) mandatory release for undertrials who have served the entire maximum sentence (BNSS, 2023, s. 479; Bar and Bench, 2024; NUALS Law Journal, 2024). A critically important addition not present in the predecessor CrPC provision is Section 479(3), which places a proactive obligation on the Superintendent of the jail to apply to the court for the release of eligible undertrials rather than requiring the undertrial to initiate their own bail application, a significant change that addresses the practical reality that many UTPs, lacking legal representation or literacy, are simply unaware of their entitlements (IJNRD, 2025; BNSS, 2023).

The Supreme Court in *Re: Inhuman Conditions in 1382 Prisons v. Director General of Prisons* [2024 SCC OnLine SC order dated August 23, 2024] held that Section 479 BNSS applies retrospectively to all undertrial prisoners regardless of when their cases were filed, ensuring that the provision's benefits extend to the existing backlog of long-detained UTPs and not merely to those arrested after July 1, 2024 (Drishti

Judiciary, 2024; South First, 2024). This ruling has significant implications for decongestion: the immediate identification of eligible first-time offenders across all prisons was directed, with jail superintendents required to report compliance to District and Sessions Judges heading UTRCs (NUALS Law Journal, 2024).

However, Section 479 BNSS contains structural limitations that substantially qualify its emancipatory promise. Section 479(2)'s non-obstante clause bars the benefit of the provision for undertrials against whom investigation, inquiry, or trial is pending in more than one offence or multiple cases a restriction that was not present in Section 436A CrPC (Bar and Bench, 2024; South First, 2024). This restriction is particularly consequential because it excludes from relief precisely those UTPs whose cases are most complex and who are most likely to have been detained for extended periods those facing multiple charges or connected to multiple FIRs, which is a common feature of organised crime, gang-related violence, and politically-motivated prosecutions (South First, 2024). The restriction on life-imprisonment offences excluding even those who committed their alleged offences before the BNSS came into force, for whom Section 436A CrPC had provided partial relief represents a regression from the predecessor provision that the legislative record does not justify (South First, 2024; NUALS Law Journal, 2024).

4.2 Judicial Supervision: From *Hussainara Khatoon* to *Satender Kumar Antil*

The Supreme Court of India has maintained a continuous supervisory engagement with prison conditions and undertrial rights spanning nearly five decades. *Hussainara Khatoon v. Home Secretary, State of Bihar* (1979) established the right to speedy trial as a fundamental right and ordered the release of UTPs detained beyond permissible limits. *Sunil Batra v. Delhi Administration* [AIR 1980 SC 1579] held that prisoners retain fundamental rights, that custodial torture is unconstitutional, and that courts have a duty to ensure that the conditions of confinement do not violate the right to life. *D.K. Basu v. State of West Bengal* [AIR 1997 SC 610] codified procedural requirements for arrest and custody to prevent torture and custodial death, establishing specific guidelines including the duty to inform arrested persons of the grounds of arrest, the right to legal representation, and the recording of all arrests guidelines that continue to be violated at scale, as evidenced by the custodial death data in NCRB reports (NCRB, 2023; Study IQ, 2025).

In *Satender Kumar Antil v. CBI* [(2022) 10 SCC 51], the Supreme Court took comprehensive stock of the undertrial crisis and issued far-reaching guidelines directing courts to apply bail provisions liberally, to avoid mechanically imposing surety conditions that indigent accused cannot meet, and to ensure that the principle that "bail is the rule and jail is the exception" articulated in *State of Rajasthan v. Balchand* [AIR 1977 SC 2447] is operationally implemented rather than nominally professed (IJRIAS, 2025; IJNRD, 2025). The Court divided offences into four categories for the purposes of applying bail guidelines, directed that UTPs charged with offences attracting a maximum sentence of seven years or less be released on bail after 60 days if the investigation is not complete, and required public prosecutors and courts to prioritise bail applications from UTPs who have served a substantial portion of potential sentence (IJNRD, 2025).

The Supreme Court's order of August 2024 directing the retrospective application of Section 479 BNSS, and its ongoing monitoring of UTRC functioning through the *Re: Inhuman Conditions in 1382 Prisons* matter a suo motu proceeding initiated in response to a letter from former Chief Justice R.C. Lahoti in 2013 illustrates the Court's continued exercise of judicial supervision as a constitutional corrective for executive inaction. The Court has issued periodic directions in this matter on overcrowding, legal aid, mental health, and recently on caste-based discrimination a form of continuing mandamus that, while significant as a normative intervention, has been unable to structurally transform a system whose problems

are rooted in resource allocation, institutional culture, and political economy (Drishti Judiciary, 2024; NUALS Law Journal, 2024).

4.3 Persistent Institutional Gaps

Despite these legislative and judicial developments, the institutional landscape of India's prisons reflects a system that continues to fail its inhabitants across multiple dimensions. Prison staff vacancies stand at 30–45% nationally a structural deficit that increases workload on existing staff, reduces supervision capacity, and directly impairs rehabilitation programming (PW Only IAS, 2025). India's prison staff-to-inmate ratio is 1:7, compared to 2:3 in the United Kingdom a comparison that illuminates the inadequacy not merely of individual facilities but of the entire governance model for custodial institutions (PW Only IAS, 2025). Of 1,332 prisons in India, only 35 are designated women's jails, and with women's incarceration increasing by 32% between 2018 and 2023 while the capacity of women's jails increased by only 26.7%, the structural inadequacy of gender-specific facilities continues to compound, with four in five women inmates housed in non-designated facilities (NCRB, 2023; IndiaSpend, 2025). Of 1,318 women living in prisons with their 1,492 children, 1,049 were undertrials children deprived of normal developmental conditions not because their mother has been convicted, but because she cannot afford bail (The Print, 2025).

5. CONCLUSION AND RECOMMENDATIONS

The analysis presented in this paper converges on a conclusion that is simultaneously empirically robust and constitutionally urgent: India's undertrial detention crisis is not an administrative inconvenience or a temporary backlog requiring incremental management, but a structural violation of constitutional rights that affects over four lakh persons at any given time, disproportionately drawn from the most marginalised communities in Indian society, and maintained through a complex interaction of judicial incapacity, bail inaccessibility, legal aid inadequacy, caste discrimination, and institutional inertia. The enactment of the BNSS 2023 and the Model Prisons and Correctional Services Act, 2023, represent meaningful normative progress particularly Section 479's first-time offender provision and the proactive jail superintendent obligation but the data firmly establish that legislative change has consistently outpaced institutional implementation, leaving the constitutional promise of speedy justice and dignified pre-trial treatment unredeemed for the overwhelming majority of those it purports to protect.

The following reform recommendations are proposed.

First, Parliament should amend Section 479 BNSS to restore the benefit of the provision to undertrials facing multiple charges in the same case the exclusion in Section 479(2) is overbroad, constitutionally questionable, and practically excludes the most vulnerable long-detained UTPs. The exclusion of life-imprisonment cases from the one-third first-offender provision should also be reconsidered through separate legislation that provides periodic judicial review of such detention.

Second, the cash bail and surety system requires fundamental reform. The BNSS should be amended to require courts to consider the financial capacity of the accused when setting bail conditions, with a default position of personal bond release for all offences attracting seven years or less, and the right to apply for socio-economic assessment in all other cases. The Support to Poor Prisoners Scheme should be restructured with ring-fenced state-level funds and mandatory monthly reporting on utilisation to prevent the current near-total non-utilisation documented in the parliamentary data.

Third, legal aid must be strengthened at the point of arrest not merely during trial consistent with Article 39A's mandate. NALSA should establish a 24-hour legal aid duty scheme at all police stations and court complexes in districts with high undertrial populations, modelled on the duty solicitor schemes in the

United Kingdom. Legal aid lawyers should be adequately compensated, subject to performance standards, and trained specifically in criminal procedure and bail law.

Fourth, all states must be compelled through constitutional litigation, central financial conditionality, and periodic Supreme Court monitoring to adopt the Model Prisons and Correctional Services Act, 2023 within a defined timeframe. Since prisons are a State subject under Entry 4, List II of the Seventh Schedule of the Constitution, central legislation is not available, but the Union Government's fiscal transfer mechanisms can be conditioned on state prison reform compliance, as has been done in health and education sectors.

Fifth, a dedicated fast-track court mechanism for undertrial bail hearings distinct from regular fast-track courts that handle full trials should be established in every district with a prison population exceeding capacity. These courts should be mandated to hear and decide all bail applications within seven days, with a statutory bar on adjournments beyond two occasions in bail matters.
Sixth, NALSA's UTRCs must be resourced and monitored to genuinely function. The current data showing 12,756 identifications out of 4 lakh UTPs and a 0.98% release rate is an institutional indictment. Every UTRC must be required to publish quarterly reports on case-wise identification, bail recommendations, and outcomes creating a public accountability mechanism that the current system entirely lacks.
Seventh, the caste-based composition of the undertrial population demands targeted, data-driven policy responses beyond judicial declarations. A national audit of police arrest data, bail denial patterns, and trial delays disaggregated by caste, religion, and economic class should be commissioned and published annually, creating the evidentiary basis for targeted legal aid allocation, police accountability mechanisms, and judicial training on structural bias.

As Dr. B.R. Ambedkar observed, the test of a democracy lies not in what it writes on paper but in how it treats the utterly powerless. India's prison data constitutes a seventy-year indictment of the gap between constitutional promise and carceral reality. The reforms proposed here represent not an aspirational agenda but the minimum necessary to honour a promise made in 1950 to every Indian citizen: that the state may deprive no person of life or liberty except through a procedure that is just, fair, and at a pace that makes justice real rapid.

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