
FORGOTTEN LIVES: OVERCROWDING AND HUMAN RIGHTS VIOLATIONS IN ASSAM'S PRISONS

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ABSTRACT

In Assam's overcrowded prisons, thousands of men and women who have not yet been convicted of any crime are compelled to live under conditions that silently strip them of their dignity and humanity. These undertrial prisoners, presumed innocent in law, endure a punishment far harsher than what any court has ordered. They are the one imposed by neglect, delay, and institutional apathy. This paper explores the human rights implications of overcrowding in Assam's prisons through a doctrinal analysis of constitutional mandates, judicial precedents, and statutory frameworks such as the Prisons Act, 1894 and the Model Prison Manual, 2016. Drawing upon reports of the Law Commission, National Crime Records Bureau, and the National Human Rights Commission, it argues that the prison system in Assam reflects a crisis of justice where administrative inertia has transformed detention into a form of deprivation. The study highlights how the denial of segregation between undertrials and convicts, poor sanitation, inadequate healthcare, and the absence of gender-sensitive facilities systematically violate Article 21's guarantee of life and dignity. The condition of vulnerable groups, particularly women with children and inmates with mental health issues, reveals an even deeper layer of institutional neglect. By exposing the dissonance between India's constitutional ideals and ground realities, the paper calls for an urgent reconceptualization of Assam's prison administration as a site of humane governance rather than punitive abandonment. The research ultimately contends that the way a State treats its prisoners is the most unflinching reflection of its commitment to justice.

Keywords: Undertrial Prisoners; Human Rights; Overcrowding; Assam; Prison Reform; Vulnerable Prisoners; Dignity; Article 21; Custodial Justice

Introduction

According to the National Crime Records Bureau's "Prison Statistics India 2023", Assam's prisons housed over 5,800 inmates against a sanctioned capacity of just about 3,800, marking an occupancy rate exceeding 150 % which is one of the highest in the North-Eastern region. What is more alarming is that nearly 72 % of these inmates are undertrial prisoners, that is, individuals who have not been convicted of any offence but continue to languish in jails for months, even years, awaiting the slow grind of justice.¹ This stark figure is not merely statistical; it represents a silent crisis where the legal presumption of innocence has been replaced by prolonged suffering and institutional neglect. It exposes a paradox at the heart of India's criminal justice system: those who are yet to be proven guilty endure harsher punishment than many convicts.

The Constitution of India, through Article 21,² guarantees the right to life and personal liberty, encompassing within it the right to live with dignity and humane conditions even within prison walls. The Supreme Court has repeatedly affirmed that the protection of human rights does not end at the prison gate. In landmark judgments such as *Sunil Batra v. Delhi Administration* (1978)³ and *Charles Sobhraj v. Superintendent, Central Jail* (1978)⁴, the Court categorically held that prisoners are not denuded of fundamental rights by virtue of incarceration. Yet, despite these normative assurances, the condition of prisons in Assam reflects a grim reality of overcrowding, inadequate medical facilities, unhygienic surroundings, and a near-total disregard for the segregation of undertrials from convicted prisoners.

The problem, therefore, transcends administrative inefficiency, it is emblematic of a systemic violation of human rights embedded in the very structure of criminal justice administration. When detention before trial transforms into an ordeal of physical deprivation and mental anguish, it ceases to be a procedural necessity and becomes a form of punishment without conviction. Overcrowded barracks, insufficient sanitation, lack of bedding, poor diet, and the absence of basic healthcare facilities have turned many of Assam's district jails into spaces of

¹ "NCRB's Prison Statistics India 2023: Overcrowding, Undertrials, and Mental Health"
<<https://www.policyedge.in/p/ncrb-prison-statistics-india-2023>> accessed October 5, 2025.

² The Constitution of India, Art. 21

³ *Sunil Batra v. Delhi Administration* (1978) 4 SCC 494

⁴ *Charles Sobhraj v. Superintendent, Central Jail* (1978) 4 SCC 104

indignity.⁵ Prisoners often share cramped spaces beyond humane capacity, without access to adequate toilets or potable water, aggravating health risks and communicable diseases.

The consequences are even more dire for vulnerable groups such as women prisoners, particularly those with children, and inmates suffering from mental health issues. Women prisoners frequently face a dual burden: gender-based marginalization and the neglect of reproductive and child-care needs. In many facilities, there are no separate wards or provisions for pregnant women and nursing mothers, leaving them exposed to unsanitary conditions and psychological distress.⁶ Similarly, prisoners with mental illnesses are often treated as disciplinary problems rather than patients requiring care, and Assam's jails continue to lack specialized psychiatric staff or facilities.

This paper emerges from the recognition that the crisis of overcrowding is not merely quantitative, it is deeply qualitative, eroding the moral legitimacy of incarceration itself. The situation in Assam's prisons epitomizes a structural dissonance between constitutional ideals and carceral realities. Despite the existence of legal safeguards under the *Prisons Act, 1894*, *Prisoners Act, 1900*, and the *Model Prison Manual, 2016*, and despite judicial reiteration of humane treatment, the implementation remains superficial. Prisons, intended as spaces of reform, have instead become symbols of exclusion where socio-economic disadvantage dictates the extent of one's liberty. The problem is aggravated by delays in trial and the inability to secure bail due to poverty and illiteracy.⁷ Many undertrial prisoners in Assam remain in custody simply because they cannot afford bail or produce sureties, even when the court has granted them release.⁸ The failure of the State Legal Services Authorities and Undertrial Review Committees to address these issues effectively results in a perpetual cycle of incarceration for the poor. Thus, justice delayed becomes not just justice denied, but dignity

⁵ Keshabananda Borah, "A Critical Introspection on the Enjoyment of Legal Rights by Women Undertrial Prisoners in Central Jails of Assam" (2021) 28 Indian Journal of Gender Studies 248 <<https://doi/pdf/10.1177/0971521521997965?download=true>> accessed October 5, 2025.

⁶ Ibid

⁷ Elizabeth L MacDowell, "Reimagining Access to Justice in the Poor People's Courts" (2014) 22 Georgetown Journal on Poverty Law and Policy <<https://heinonline.org/HOL/Page?handle=hein.journals/geojpovlp22&id=482&div=&collection=>> accessed October 5, 2025.

⁸ Sneha Kashyape, "Addressing the Plight of Undertrials in Indian Prisons: Reviewing the Framework and Inadequacies of the Legislature Governing Undertrial Prisoners in Relation to Human Rights" (2022) 3 Jus Corpus Law Journal <<https://heinonline.org/HOL/Page?handle=hein.journals/juscrp3&id=6887&div=&collection=>> accessed October 5, 2025.

destroyed.

Assam's prisons, much like those in other parts of India, reflect a colonial legacy of punitive confinement that has resisted reform despite seven decades of constitutional democracy. The State's inaction in improving prison conditions contradicts its international obligations under the Universal Declaration of Human Rights (1948) and the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), both of which stress humane treatment and segregation of prisoners based on legal status and vulnerability. The Law Commission of India's 78th Report (1979) had warned about the growing congestion and inhuman conditions of prisons, calling for urgent reforms.⁹ Yet, the persistence of overcrowding in Assam today underscores the failure to operationalize those recommendations.

This study, therefore, undertakes a doctrinal analysis of the legal and human rights dimensions of prison overcrowding in Assam, examining the gap between law and practice, and the resultant violation of constitutional and international standards. It interrogates the structural factors that perpetuate human rights abuses within prisons, inefficient administration, inadequate budgeting, outdated infrastructure, and lack of political will. It further highlights how such systemic neglect disproportionately impacts the underprivileged, for whom the presumption of innocence becomes a cruel illusion. At its core, the paper seeks to argue that the measure of a justice system lies not in its laws, but in its treatment of the powerless. The prisons of Assam, with their overcrowded wards and forgotten inmates, compel us to re-evaluate our moral and constitutional commitments. They demand that we revisit the purpose of incarceration, not as a means of retribution, but as a humane and rehabilitative institution consistent with democratic values. For in the shadows of these forgotten lives lies the true test of justice, humanity, and the conscience of the State.

Statement of the Problem

Despite constitutional guarantees and judicial mandates ensuring humane treatment, prisons in Assam remain plagued by overcrowding, poor sanitation, inadequate healthcare, and lack of mental health facilities. The majority of inmates are undertrials who, though unconvicted, endure prolonged and degrading detention. Women prisoners, especially those with children,

⁹ Eshabi Nadim Sayyed and Ansari Humaira Nisar Ahamed, "The Undertrial Prisoners in India" (2023) 6 Issue 6 International Journal of Law Management & Humanities
<<https://heinonline.org/HOL/Page?handle=hein.journals/ijlmhs26&id=669&div=&collection=>> accessed October 5, 2025.

and inmates with psychological disorders face acute neglect due to the absence of specialized facilities. The weak enforcement of legal and human rights safeguards has turned prisons into spaces of silent suffering, amounting to a grave violation of dignity and undermining the reformatory spirit of India's criminal justice system.

Objectives of the Study

The study examines how overcrowding in Assam's prisons results in systemic human rights violations, particularly against undertrial and vulnerable prisoners, and seeks reforms to align prison conditions with constitutional and international human rights standards.

Research Methodology

This study employs a doctrinal methodology based on legal texts, judicial decisions, and institutional reports to evaluate the gap between law and practice in Assam's prisons and propose reforms grounded in constitutional and human rights principles.

Legal and Institutional Framework

The legal and institutional framework governing prisons in India, and specifically in Assam, is an intricate web of constitutional mandates, statutory instruments, administrative rules, and judicial interpretations. At its very foundation lies the Constitution of India, which guarantees to every individual, including prisoners, the right to life and personal liberty under Article 21, a right that has been expansively interpreted by the judiciary to include the right to live with human dignity. This constitutional guarantee acts as the bedrock of prisoners' rights, recognizing that incarceration does not extinguish one's claim to humane treatment. The Supreme Court, through a series of landmark judgments such as *Sunil Batra v. Delhi Administration* (1978)¹⁰, *Charles Sobhraj v. Superintendent, Central Jail* (1978)¹¹, and *Hussainara Khatoon v. State of Bihar* (1979)¹², has laid down a robust jurisprudence that establishes the prisoner as a "person" entitled to the full protection of fundamental rights, except where restrictions are unavoidable due to confinement. In *Hussainara Khatoon*, the Court first brought national attention to the plight of undertrial prisoners languishing in jails for periods longer than their possible sentences, thereby linking the right to speedy trial directly

¹⁰ *Sunil Batra v. Delhi Administration* (1978) 4 SCC 494

¹¹ *Charles Sobhraj v. Superintendent, Central Jail* (1978) 4 SCC 104

¹² *Hussainara Khatoon v. State of Bihar* 1979 AIR 1369

with Article 21. Later, in *Re: Inhuman Conditions in 1382 Prisons* (2016)¹³, the Supreme Court reaffirmed that the State bears a non-delegable responsibility to ensure that prisons uphold constitutional morality and minimum standards of dignity.

The statutory framework for prison administration in India is primarily derived from colonial legislation, notably the *Prisons Act, 1894*, which remains in force with state-specific adaptations. Although archaic in its orientation, the statutory framework is focused more on discipline and control than on reformation, the Act provides the structural foundation for the management, maintenance, and discipline of prisoners. It vests substantial powers in prison superintendents and inspectors, reflecting the colonial mindset that viewed prisons as instruments of deterrence rather than rehabilitation.¹⁴ Assam, as a “B” category state within the federal structure, exercises its legislative competence over prisons under Entry 4 of List II (State List) of the Seventh Schedule to the Constitution.¹⁵ Consequently, prison administration in Assam is governed by the *Assam Jail Manual* and the *Assam Jail Rules*, which are state-specific adaptations of the central framework, modified over time but still bearing colonial undertones. The Assam Jail Manual provides detailed provisions on admission, classification, custody, labour, discipline, and release of prisoners, though its spirit remains largely administrative and disciplinary, lacking the rights-oriented perspective emphasized by post-constitutional jurisprudence.¹⁶

To address these deficiencies, the Government of India introduced the Model Prison Manual, 2016, which replaced the earlier 2003 version. The 2016 Manual represents a paradigm shift towards recognizing prisons as reformatory and correctional institutions rather than punitive ones.¹⁷ It incorporates international standards such as the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules), emphasizing the need for segregation of undertrial prisoners from convicts, humane living conditions, proper sanitation, healthcare, and access to legal aid. It also stresses the rights of women prisoners, including provisions for childcare,

¹³ *Re: Inhuman Conditions in 1382 Prisons* (2016) 3 SCC 700

¹⁴ Pathan Dabeer Fardeen, “Legislation Frameworks of Prison Administration and Prison Legislations” (2021) 4 Issue 2 International Journal of Law Management & Humanities
<<https://heinonline.org/HOL/Page?handle=hein.journals/ijlmhs10&id=2963&div=&collection=>> accessed October 5, 2025.

¹⁵ The Constitution of India, 1950, Seventh Schedule

¹⁶ Barnali Sharma and Nani Gopal Mahanta, “Human Rights and Jail Administration: A Study of Prisoners’ Rights in the Central Jails of Assam” (2018) 9 The research journal of social sciences 11.

¹⁷ “Centre Amends Prison Manual Rules 2016 and Model Prisons and Correctional Services Act, 2023”
<<https://visionias.in/current-affairs/news-today/2025-01-06/polity-and-governance/centre-amends-prison-manual-rules-2016-and-model-prisons-and-correctional-services-act-2023>> accessed October 5, 2025.

prenatal and postnatal care, and separate accommodation for mothers with infants.¹⁸ Despite its progressive framework, the implementation of the Model Prison Manual in Assam has been partial and inconsistent. Many district jails continue to operate under outdated procedures, lacking separate enclosures for women and juveniles, and failing to comply with medical, educational, and recreational standards prescribed under the Manual.

From an institutional standpoint, prison administration in Assam functions under the Home and Political Department of the State Government, with the Inspector General (IG) of Prisons serving as the apex administrative authority. The IG supervises all correctional facilities, including central, district, and sub-jails, while superintendents exercise immediate control at the institutional level. However, the bureaucratic nature of prison governance, coupled with chronic understaffing and budgetary constraints, has rendered this structure largely ineffective in ensuring humane conditions.¹⁹ Periodic inspections, though mandated by the Assam Jail Manual and the Prisons Act, are often perfunctory, with little follow-up on the recommendations made. The absence of accountability mechanisms and the lack of independent oversight have allowed violations of basic rights, such as access to medical care, clean water, and adequate space, to persist unchecked.

The judiciary has played a critical role in expanding the normative framework of prisoners' rights. In *Sunil Batra (II) v. Delhi Administration* (1980)²⁰, the Supreme Court declared that solitary confinement, bar fetters, and inhuman treatment violate the right to life and dignity. Similarly, in *Sheela Barse v. State of Maharashtra* (1983)²¹, the Court emphasized the need for humane treatment of women prisoners and children residing with them in jail. In *D.K. Basu v. State of West Bengal* (1997)²², the Court laid down guidelines to prevent custodial violence and deaths, reinforcing the idea that deprivation of liberty does not entail deprivation of humanity. More recently, the Supreme Court in *Re: Inhuman Conditions in 1382 Prisons* (2016)²³ and *Inhuman Conditions in Prisons, In re* (2018)²⁴ directed the Union and State Governments to adopt measures to decongest prisons, improve healthcare, and ensure effective functioning of

¹⁸ "Nelson Mandela Rules" <https://www.un.org/en/events/mandeladay/mandela_rules.shtml> accessed October 5, 2025.

¹⁹ "The Wire: The Wire News India, Latest News, News from India, Politics, External Affairs, Science, Economics, Gender and Culture" <<https://thewire.in/rights/detention-centres-assam-nrc>> accessed October 5, 2025.

²⁰ *Sunil Batra versus Delhi Administration*, (1980) 3 SCC 488

²¹ *Sheela Barse vs. State of Maharashtra*, AIR 1983 SC 378

²² *D.K. Basu v. State of West Bengal* (1997) 1 SCC 416

²³ *Re: Inhuman Conditions in 1382 Prisons* (2016) 3 SCC 700

²⁴ "Inhuman Conditions in Prisons, In re" (2019) 2 SCC 435

Undertrial Review Committees (UTRCs). These judicial pronouncements, when read with constitutional mandates, create a composite legal obligation on the State to ensure that imprisonment does not become synonymous with degradation.

Complementing the judiciary's efforts are several institutional mechanisms designed to monitor and protect prisoners' rights. The National Human Rights Commission (NHRC) and the Assam State Human Rights Commission (ASHRC) have statutory authority to investigate complaints of custodial violence and recommend remedial action.²⁵ Similarly, the State Legal Services Authority (SLSA) and the District Legal Services Authorities (DLSAs) are mandated under the *Legal Services Authorities Act, 1987* to provide free legal aid to prisoners, ensure timely review of undertrial cases, and facilitate bail applications. The Undertrial Review Committees, operating under the supervision of the District and Sessions Judges, are responsible for identifying prisoners eligible for release under Section 436A of the Code of Criminal Procedure (now Section 479 of the Bharatiya Nagarik Suraksha Sanhita, 2023)²⁶, which mandates release of undertrials who have served half the maximum prescribed sentence for their alleged offence. In practice, however, these institutions suffer from bureaucratic inertia, irregular meetings, and lack of coordination, thereby failing to meaningfully alleviate the crisis of overcrowding in Assam's prisons.

Internationally, India is bound by several treaties and conventions that reinforce the human rights of prisoners. The Universal Declaration of Human Rights (1948)²⁷, particularly Articles 5 and 9, prohibits torture and arbitrary detention, while the International Covenant on Civil and Political Rights (1966)²⁸, ratified by India, guarantees the right to humane treatment and prompt trial. The Convention against Torture (1984)²⁹, though not yet ratified, has informed judicial reasoning in many Indian cases. The Mandela Rules (2015) provide globally recognized benchmarks for the treatment of prisoners, emphasizing dignity, rehabilitation, and minimum standards of accommodation, food, hygiene, and healthcare. Despite India's formal adherence

²⁵ "NHRC's Recommendations on Custodial Justice | National Human Rights Commission India" <<https://nhrc.nic.in/press-release/nhrcs-recommendations-custodial-justice>> accessed October 5, 2025.

²⁶ Bharatiya Nagarik Suraksha Sanhita, 2023, Sec. 479

²⁷ Universal Declaration of Human Rights, 1948, Art. 5 and 9

²⁸ "International Covenant on Civil and Political Rights | OHCHR" <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>> accessed October 5, 2025.

²⁹ "Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment | OHCHR" <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>> accessed October 5, 2025.

to these standards, the implementation at the state level, including in Assam, remains deficient due to weak institutional oversight and resource scarcity.

Taken together, the legal and institutional framework for prison administration in Assam presents a complex picture, one where progressive norms coexist with regressive realities. While the law envisions prisons as correctional institutions grounded in human rights and reformatory justice, the practice continues to be driven by punitive logic and administrative convenience. The Constitution, statutes, and judicial pronouncements together form a strong normative foundation for protecting the dignity of prisoners; however, the absence of consistent monitoring, inadequate funding, and lack of accountability have hollowed out these protections. The gap between the law on paper and life behind bars remains the most persistent contradiction in Assam's carceral system, turning legal entitlements into distant promises for those who live their lives forgotten behind prison walls.

Overcrowding and Its Impact on Human Rights

Overcrowding in prisons represents one of the gravest and most persistent human rights challenges within the Indian criminal justice system, and Assam stands as a stark example of this crisis. According to the National Crime Records Bureau's Prison Statistics India 2023, Assam's prisons operate at nearly 150 % of their sanctioned capacity, accommodating more than 5,800 inmates against a capacity of around 3,800. What makes this figure even more distressing is that approximately 72 % of these prisoners are undertrials, individuals who have not been convicted but remain incarcerated for prolonged periods due to procedural delays, inability to furnish bail bonds, or lack of effective legal aid. Such overcrowding fundamentally alters the purpose of imprisonment, converting detention facilities meant for temporary custody into long-term sites of deprivation.³⁰ The consequence is not merely logistical inconvenience but a systemic violation of the right to life and dignity enshrined under Article 21 of the Constitution, as living conditions within these congested spaces deteriorate to levels that can only be described as inhuman and degrading.

The phenomenon of overcrowding in Assam's prisons is deeply intertwined with the structural weaknesses of the State's justice delivery system. Delays in investigation, sluggish pace of trials, frequent adjournments, shortage of judges, and poor bail enforcement collectively

³⁰ "NCRB's Prison Statistics India 2023: Overcrowding, Undertrials, and Mental Health" (n 1).

contribute to the swelling of undertrial populations. For many prisoners, the time spent in jail before trial exceeds the maximum sentence prescribed for their alleged offence.³¹ Although Section 436A of the Code of Criminal Procedure which is now re-enacted as Section 479 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, provides for the release of undertrial prisoners who have served half of the maximum punishment, its enforcement remains inconsistent and ineffective. The Undertrial Review Committees (UTRCs), established to identify eligible prisoners for release, often fail to meet regularly or to act upon their findings, thereby perpetuating unnecessary incarceration. This administrative indifference transforms prisons into dumping grounds for the poor and marginalized, who are trapped in a system that punishes poverty more severely than crime.

The human cost of overcrowding is most visible in the living conditions of the inmates. Prison barracks designed to hold 30 to 40 persons often accommodate 70 or more, leaving little room for movement or rest. Inmates sleep on floors in close proximity, lacking basic bedding and ventilation, which breeds infectious diseases and worsens mental distress. Access to toilets and bathing facilities is grossly inadequate, forcing prisoners to queue for hours or compromise hygiene altogether. Clean drinking water is scarce in many district jails, and sewage systems are often outdated or dysfunctional, leading to unhygienic surroundings and frequent outbreaks of waterborne illnesses.³² The *Model Prison Manual 2016* prescribes a minimum of 50 square feet of space per prisoner, yet in most Assam prisons, the available space is less than half that standard. Such conditions violate not only domestic legal provisions but also international human rights norms, particularly Rule 12 of the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules), which emphasizes minimum floor space, proper ventilation, and adequate lighting as essential components of humane confinement.

Overcrowding also severely compromises the availability and quality of healthcare services in prisons. The shortage of medical officers, nurses, and mental health professionals leaves thousands of prisoners without timely diagnosis or treatment.³³ The National Human Rights Commission (NHRC) and Assam State Human Rights Commission (ASHRC) have, in several

³¹ Gerald G Gaes, "The Effects of Overcrowding in Prison" (1985) 6 Crime and Justice 95 <<https://www.journals.uchicago.edu/doi/10.1086/449105>> accessed October 5, 2025.

³² J Fred Giertz and Peter F Nardulli, "Prison Overcrowding" (1985) 46 Public Choice 71 <<https://www.jstor.org/stable/30023993>> accessed October 5, 2025.

³³ Andra le Roux-Kemp, "Overcrowding in Prisons: A Health Risk in Need of (Re)Consideration" (2013) 21 Health Law Review <<https://heinonline.org/HOL/Page?handle=hein.journals/hthlr21&id=62&div=&collection=>>> accessed October 5, 2025.

inspection reports, noted the absence of full-time doctors in many jails, reliance on visiting medical staff, and delayed referrals to hospitals even in emergencies.³⁴ Inmates suffering from tuberculosis, HIV/AIDS, and skin infections remain particularly vulnerable due to poor sanitation and lack of segregation for communicable diseases. The situation is far worse for prisoners with mental illnesses, who are often misunderstood as disciplinary threats rather than patients needing care. Without proper psychiatric evaluation or counselling facilities, these inmates are left to deteriorate, often confined in isolation as a measure of control.³⁵ Such treatment directly contravenes Rule 24 of the Mandela Rules, which mandates adequate mental health care equivalent to that available in the community, and violates the spirit of Article 21, which guarantees a dignified existence even within confinement.

Another critical dimension of overcrowding is the failure to segregate undertrial prisoners from convicts, a principle clearly articulated in both the *Prisons Act, 1894* and the *Model Prison Manual, 2016*. In practice, however, limited space and inadequate infrastructure force administrators to house undertrials and convicts together, leading to moral, psychological, and physical harm. Undertrials, presumed innocent, are compelled to share space with hardened criminals, exposing them to intimidation, exploitation, and sometimes violence. Such forced cohabitation not only erodes the principle of presumption of innocence but also fosters a prison subculture that deepens criminalization rather than promoting rehabilitation.³⁶ Inmates accustomed to long-term imprisonment often exert control over the weaker and newer detainees, creating hierarchies of dominance and fear within the prison walls. For women undertrials, the situation is compounded by gendered vulnerabilities such as insufficient segregation, lack of privacy, and inadequate female staff, leading to an environment of insecurity and indignity.

Food, clothing, and other essentials, though formally prescribed in the Assam Jail Manual, often fail to meet nutritional and hygienic standards due to overcrowding and inadequate budgetary allocations. Reports from various District Legal Services Authorities (DLSAs) and

³⁴ “NHRC Notice to States on Difficulties Faced by Prisoners - The Hindu”

<<https://www.thehindu.com/news/national/nhrc-notice-to-states-on-difficulties-faced-by-prisoners/article69427432.ece>> accessed October 5, 2025.

³⁵ Morag MacDonald, “Overcrowding and Its Impact on Prison Conditions and Health” (2018) 14 International Journal of Prisoner Health 65 <<https://dx.doi.org/10.1108/IJPH-04-2018-0014>> accessed October 5, 2025.

³⁶ Anushka Sharma, “The Critical Case of Prison Overcrowding in India: Causes and Effects” (2022) 4 Issue 6 Indian Journal of Law and Legal Research <<https://heinonline.org/HOL/Page?handle=hein.journals/injlolw9&id=3424&div=&collection=>>> accessed October 5, 2025.

the National Crime Records Bureau reveal that prisoners are provided meals of poor quality and insufficient quantity, frequently below the caloric intake recommended by the Model Prison Manual. Kitchen facilities are overburdened, with limited storage and poor waste management, exacerbating health risks.³⁷ The deterioration of diet and hygiene directly impacts the physical and mental wellbeing of prisoners, many of whom already suffer from pre-existing health issues resulting from poverty and malnutrition before incarceration. Thus, overcrowding transforms imprisonment into an extension of systemic poverty and social exclusion rather than a process of legal correction or reform.

The psychological consequences of overcrowding are equally profound. Prolonged confinement in cramped, noisy, and unsanitary spaces leads to heightened stress, aggression, anxiety, and depression among prisoners.³⁸ The absence of recreational, educational, or vocational activities, often the first casualties of an overburdened system, further contributes to mental stagnation and despair. Inmates deprived of meaningful engagement or communication with their families become susceptible to chronic trauma and hopelessness, occasionally resulting in self-harm or suicide.³⁹ In its 2018 order in *Re: Inhuman Conditions in Prisons*, the Supreme Court explicitly linked overcrowding and mental health deterioration, directing states to appoint counsellors and ensure periodic mental health assessments. Yet, implementation in Assam remains negligible, with only sporadic visits by external counsellors and no permanent mental health infrastructure within most prisons.

Overcrowding also undermines rehabilitative and reformatory efforts, which are central to modern penology. The limited availability of classrooms, workshops, or libraries means that prisoners have minimal access to education or skill-building programmes. The staff-to-inmate ratio is grossly inadequate, leaving prison officers overworked and ill-equipped to perform rehabilitative functions. The *Model Prison Manual* envisions a correctional environment emphasizing reformation and reintegration, but overcrowded prisons in Assam have little

³⁷ Aziz Imam Hanafi, "The Effect of Hygiene and Sanitation Levels on the Health Level of Prisoners" (2024) 3 Asian Journal of Engineering, Social and Health 1628 <<https://ajesh.ph/index.php/gp/article/view/400/514>> accessed October 5, 2025.

³⁸ Craig Haney, "The Wages of Prison Overcrowding: Harmful Psychological Consequences and Dysfunctional Correctional Reactions" (2006) 22 Washington University Journal of Law & Policy <<https://heinonline.org/HOL/Page?handle=hein.journals/wajlp22&id=271&div=&collection=>> accessed October 5, 2025.

³⁹ R Barry Ruback and Christopher A Innes, "The Relevance and Irrelevance of Psychological Research: The Example of Prison Crowding" (1988) 43 American Psychologist 683.

space, literally and metaphorically, for reform. Instead, they perpetuate cycles of violence, dependency, and alienation, reinforcing the social stigmas that await inmates upon release.

From a rights perspective, overcrowding in prisons constitutes a violation of multiple dimensions of human dignity protected under both domestic and international law. It infringes upon the right to health, the right to privacy, the right to be free from cruel and degrading treatment, and the right to a fair and speedy trial. The Supreme Court in *Re: Inhuman Conditions in 1382 Prisons* (2016) recognized overcrowding as a violation of Article 21 and directed that prison populations be periodically reviewed to ensure compliance with statutory and human rights standards. Nevertheless, Assam's compliance remains limited to bureaucratic paperwork rather than tangible improvement in living conditions. The persistent overcrowding in its jails, despite judicial orders and statutory mechanisms, demonstrates that the issue is not merely administrative but deeply structural, rooted in the indifference of the criminal justice system toward the marginalized.

Findings and Discussion

The analysis of Assam's prison system through doctrinal, comparative, and socio-legal perspectives reveals a deeply entrenched crisis that extends beyond administrative inefficiency to systemic neglect of human rights. The following key findings distil the critical insights drawn from legal frameworks and institutional practices.

1. Persistent Overcrowding and Structural Imbalance: Assam's prisons remain severely overcrowded, with an average occupancy rate of around 150 % against sanctioned capacity, as per NCRB 2023. This overpopulation is driven primarily by the large number of undertrial prisoners, comprising over 70 % of the total inmate population, reflecting chronic delays in investigation, prosecution, and trial. Many undertrials have been in custody longer than the maximum sentence prescribed for their alleged offences. The overcrowding not only undermines basic living conditions but also violates international standards, including Rule 12 of the Mandela Rules, and domestic judicial mandates issued in *Re: Inhuman Conditions in 1382 Prisons* (2016).

2. Prolonged Undertrial Detention and Procedural Delays: A major factor contributing to overcrowding is the systemic delay in case disposal. Police investigations are slow, charge sheets are often filed late, and judicial processes are marred by repeated adjournments. The

inadequate functioning of Undertrial Review Committees (UTRCs) and lack of real-time coordination between police, courts, and prisons further prolong incarceration. Despite the existence of Section 436A CrPC (now Section 479 BNSS, 2023), which mandates release of undertrials who have served half the maximum sentence, the provision remains largely underutilized in Assam. As a result, detention becomes punitive rather than preventive, subverting the constitutional presumption of innocence.

3. Inadequate Implementation of Legal and Institutional Safeguards: Although multiple laws and guidelines govern prison administration, the *Prisons Act, 1894*, *Assam Jail Manual*, and *Model Prison Manual, 2016*, their enforcement in Assam is fragmented and inconsistent. Periodic inspections mandated by the *Assam Jail Manual* are irregular, and reports of District and State Legal Services Authorities (DLSAs/SLSA) are seldom acted upon. The absence of monitoring mechanisms and accountability for non-compliance has resulted in nominal implementation of constitutional protections under Articles 14 and 21. The NHRC and Assam State Human Rights Commission (ASHRC) possess oversight powers but lack executive authority to ensure compliance, rendering their recommendations largely advisory.

4. Failure to Segregate Undertrials and Convicts: Despite being a fundamental principle under Section 27 of the *Prisons Act, 1894* and reiterated in the *Model Prison Manual, 2016*, segregation between undertrial prisoners and convicts is not maintained in several Assam prisons due to space constraints. The mingling of these two categories leads to the erosion of the presumption of innocence and exposes undertrials to psychological intimidation, exploitation, and criminal influence. Such mixed detention environments foster tension, violence, and fear, contradicting both national and international obligations for humane treatment.

5. Poor Sanitation, Hygiene, and Nutrition Standards: Prison infrastructure across Assam remains outdated and insufficient to accommodate existing populations. Toilets and bathing areas are limited and often non-functional, leading to unsanitary conditions and outbreaks of infectious diseases. The *Assam Jail Manual*'s prescribed standards for diet and nutrition are routinely compromised due to budgetary constraints, poor quality control, and lack of oversight. Inmates often report insufficient food quantity, poor hygiene in cooking areas, and absence of clean drinking water. These conditions amount to degrading treatment under Article 21 and Article 10 of the ICCPR, which guarantee the right to humane living conditions.

6. Deficient Healthcare and Absence of Mental Health Facilities: Medical facilities in most district and sub-jails are rudimentary, with few having full-time doctors or nurses. Access to specialists, particularly psychiatrists and psychologists, is extremely limited. Mental health care, though mandated under the Mental Healthcare Act, 2017, is virtually non-existent in Assam's prisons. Prisoners with mental illnesses are often confined in isolation or treated as disciplinary problems rather than patients. Regular health check-ups, disease screening, and emergency care remain inadequate, and referrals to government hospitals are delayed due to bureaucratic procedures and escort shortages.

7. Neglect of Women Prisoners and Mothers with Children: Women constitute a small but disproportionately vulnerable segment of the prison population. Most women prisoners are undertrials from economically marginalized backgrounds. Facilities for women are often housed in substandard portions of male prisons, lacking privacy, sanitation, and separate medical staff. Pregnant women and mothers with children suffer from poor nutrition, lack of gynecological care, and absence of child-friendly facilities such as crèches or play areas. The Model Prison Manual's guidelines on women prisoners, including provisions for child welfare and mother-and-infant wards, remain largely unimplemented in Assam.

8. Absence of Vocational, Educational, and Rehabilitation Programs: Rehabilitation and reformation, which are the core principles of modern penology, are largely absent in Assam's correctional institutions. Overcrowding and lack of trained correctional officers have led to the near-total neglect of educational and vocational activities. Libraries, classrooms, and workshops are either non-functional or ill-equipped. Unlike Kerala's "open prison" system or Tamil Nadu's "prison bazaar" initiatives, Assam's prisons offer minimal scope for skill development, leaving inmates unprepared for reintegration upon release. The absence of structured post-release support contributes to recidivism and social alienation.

9. Ineffective Legal Aid and Awareness Mechanisms: Legal aid, though guaranteed under the Legal Services Authorities Act, 1987, remains inaccessible for many undertrials in Assam. Paralegal volunteers and legal aid counsels are irregularly available, and awareness about bail rights and procedural remedies is extremely low. Communication gaps between prisons, police, and courts delay the movement of case files and production warrants. Many undertrials are illiterate or linguistically isolated, unable to comprehend case proceedings or their legal

entitlements. This structural ignorance perpetuates indefinite detention and deepens inequality in the justice process.

10. Weak Functioning of Undertrial Review Committees (UTRCs): Although the Supreme Court's *Re: Inhuman Conditions in 1382 Prisons* (2016) mandated the constitution of UTRCs in every district, their functioning in Assam has been perfunctory. Meetings are often delayed, documentation incomplete, and follow-up action negligible. The lack of coordination between jail authorities, district judges, and police leads to missed opportunities for timely release of eligible undertrials. Without technological integration or real-time data sharing, the UTRCs fail to serve their intended purpose of periodic case review and decongestion.

11. Insufficient Oversight and Transparency: Independent monitoring of prisons in Assam is sporadic and lacks transparency. The Board of Visitors, comprising judicial and non-judicial members, is mandated to conduct surprise inspections and submit reports, but these visits are infrequent and seldom lead to corrective measures. There is limited public access to prison data, and findings from NHRC or ASHRC inspections are rarely made public. The absence of transparency fosters administrative complacency and conceals human rights violations from public scrutiny.

12. Underfunding and Outdated Infrastructure: Prison administration in Assam suffers from chronic underfunding. Many district jails were established during the colonial period and have seen little structural improvement since. Infrastructure expansion has not kept pace with rising prisoner numbers. Funds allocated for renovation or medical procurement are often delayed or diverted, reflecting the low political and administrative priority accorded to prison reform. In contrast, states such as Kerala and Tamil Nadu have invested in modernization, digital case management, and open prison systems, illustrating the transformative potential of fiscal commitment.

13. Absence of Gender- and Health-Sensitive Training for Prison Staff: Most prison personnel in Assam are trained primarily in security and discipline rather than correctional administration or human rights sensitivity. There are no regular capacity-building workshops on gender sensitivity, mental health management, or rehabilitation approaches. The lack of professional training results in custodial violence, insensitivity towards vulnerable inmates, and a purely custodial approach to prison management. The *Justice Mulla Committee (1983)*

and *Model Prison Manual* both emphasized human-rights-oriented training, yet these recommendations remain unimplemented.

14. Limited Role of Judiciary in Continuous Oversight: Although the Gauhati High Court has issued significant directions in cases like *State of Assam v. Upen Das* (2014)⁴⁰ and *Assam Prisons v. State of Assam* (2012)⁴¹, sustained judicial monitoring remains limited. Inspections are ad hoc, and compliance reports are often filed mechanically. Without a dedicated judicial committee or continuous follow-up mechanism, court orders lose their efficacy in ensuring long-term reform.

15. Lack of Integration between Human Rights and Prison Policy: Human rights concerns remain peripheral to Assam's penal policy. The State has not adopted a Comprehensive Prison Reform Policy, despite the existence of the *Model Prison Manual 2016* and subsequent NHRC advisories. There is no structured collaboration between the Home Department, Health Department, and Social Welfare Department to address prisoners' welfare holistically. The absence of a multi-departmental framework leaves critical issues such as mental health, women's welfare, and reintegration fragmented and inadequately addressed.

16. Absence of Digitalization and Data Management Systems: Assam's prisons lack digital record-keeping and connectivity with judicial databases. Case tracking, bail eligibility, and health records are maintained manually, resulting in delays and errors. In contrast, Delhi and Kerala have introduced integrated digital platforms linking prisons, courts, and legal aid authorities. The absence of such systems in Assam hinders transparency and timely decision-making.

17. Deep Social Stigma and Post-Release Discrimination: Former prisoners, particularly undertrials later acquitted, face severe social stigma that hinders reintegration into society. The lack of rehabilitation and reintegration programmes exacerbates unemployment, social exclusion, and psychological trauma post-release. The justice system offers no structured support for re-entry, perpetuating cycles of poverty and criminalization. This failure reflects not only administrative negligence but also societal prejudice against the formerly incarcerated.

⁴⁰ State of Assam v. Upen Das 2017 (4) GLR 490

⁴¹ Assam Prisons v. State of Assam (2012) 1 GLR 115

Recommendations

The findings from the preceding section reveal the urgent necessity of a multidimensional reform strategy for Assam's prisons, one that goes beyond physical expansion to encompass humane governance, procedural justice, and institutional accountability. Each of the following recommendations corresponds directly to the core findings:

1. Addressing Overcrowding and Structural Imbalance: The first and most immediate need is to address the chronic overcrowding that has transformed Assam's prisons into uninhabitable spaces. The State Government must initiate large-scale decongestion drives through strict enforcement of Section 479 of the BNSS (previously Section 436A of the CrPC), ensuring the release of undertrials who have served more than half the maximum sentence for their alleged offence. Alongside, the construction of additional barracks and low-security open prisons should be prioritized in districts with occupancy exceeding sanctioned limits. A long-term structural plan should rationalize prison capacities based on crime rates and population density, emphasizing alternatives to incarceration such as probation, parole, community service, and electronic monitoring.

2. Reducing Undertrial Detention and Procedural Delays: Reducing prolonged undertrial detention requires a systemic tightening of procedural timelines and improved interdepartmental coordination. Police investigations must adhere to mandatory timeframes for filing charge sheets, while judicial authorities should monitor pendency through integrated digital dashboards. Regular district-level joint reviews involving the judiciary, prosecution, and prison authorities should identify and expedite cases of prisoners eligible for bail or discharge. The adoption of video conferencing for hearings can minimize transit delays, and real-time digital communication between courts and prisons should be made mandatory to prevent detention beyond the legally permissible period.

3. Strengthening Enforcement of Legal and Institutional Safeguards: The gap between legal standards and administrative enforcement must be bridged through institutional accountability. The Inspector General of Prisons should be directed to conduct comprehensive audits twice a year to assess compliance with the Model Prison Manual, 2016, and the Assam Jail Manual. A State-level Prison Oversight Board should be established, comprising judicial officers, human rights experts, and civil society representatives, vested with statutory authority to monitor implementation. Further, Assam should consider enacting a "Prison Accountability

and Human Rights Act” to institutionalize periodic reporting and penalize deliberate non-compliance with legal and judicial mandates.

4. Ensuring Segregation of Undertrials and Convicts: The constitutional and statutory principle of segregating undertrials from convicts must be implemented in both spirit and practice. Every prison should physically demarcate separate enclosures for undertrial prisoners to protect them from moral contamination and intimidation. Where space constraints persist, staggered time schedules for movement and activities should be introduced to ensure functional segregation. The State must also plan the construction of dedicated undertrial complexes attached to district courts to reduce custodial risks and improve judicial access.

5. Improving Sanitation, Hygiene, and Nutrition: The living conditions within Assam’s prisons require urgent hygienic and infrastructural reform. Regular water supply, functioning sanitation systems, and clean bathing areas must be ensured in every facility. The State should partner with local municipal bodies for periodic cleaning, waste disposal, and maintenance. Food quality should be monitored by independent nutrition experts, and menu standards prescribed under the Assam Jail Manual must be strictly followed. Ensuring access to clean drinking water and adequate diet is not merely administrative housekeeping but a constitutional obligation under Article 21, safeguarding the right to life with dignity.

6. Strengthening Healthcare and Mental Health Services: The deplorable state of prison healthcare calls for a radical overhaul. Every central and district jail must have a full-time medical officer and nursing staff, equipped with essential medicines and emergency kits. Mental health must be treated as a core component of prison welfare—psychiatrists and psychologists should be recruited under the provisions of the Mental Healthcare Act, 2017, and tie-ups with medical colleges should facilitate periodic health camps. The establishment of specialized mental health wards in major prisons is essential to address conditions like depression, schizophrenia, and substance dependence. Long-term, a dedicated State Prison Health Directorate must be created to integrate correctional health within the public health framework.

7. Protecting Women Prisoners and Mothers with Children: The rights and dignity of women prisoners’ demand gender-responsive reform. Every jail housing woman must have exclusive female staff, separate kitchens, and adequate sanitary and bathing facilities. Pregnant women must receive gynecological supervision, nutritious food, and prenatal care. Special

attention must be given to mothers with children by creating mother-and-child care units with proper crèche facilities, educational resources, and healthcare access. Gender budgeting should be institutionalized within the prison department to ensure that women's needs are prioritized in planning, staffing, and funding decisions.

8. Reviving Vocational, Educational, and Rehabilitative Programs: Rehabilitation must be central to any modern correctional philosophy. Vocational and educational programs should be revived and expanded through collaborations with the Skill India Mission, open universities, and NGOs. Libraries, workshops, and classrooms must be restored and integrated into daily prison life, providing inmates with meaningful engagement and preparation for reintegration into society. Incentivizing participation through remission or work-based earnings would enhance motivation. Over time, a dedicated Reintegration and Employment Cell should be established to provide released inmates with job placements and rehabilitation grants, ensuring a dignified transition back into civilian life.

9. Expanding Legal Aid and Awareness: Access to justice must be made a living reality inside prisons. Permanent legal aid clinics should operate within all major prisons, staffed by lawyers and paralegal volunteers under the supervision of the District Legal Services Authorities. Regular legal awareness sessions should be held to educate inmates about bail rights, trial procedures, and their entitlements under the law. Prisoners must be able to track their case status digitally, and grievance mechanisms should allow them to communicate directly with legal aid offices or judicial authorities. Legal empowerment is essential not only for expediting cases but also for restoring faith in the justice system.

10. Revitalizing Undertrial Review Committees (UTRCs): Undertrial Review Committees must become functional rather than symbolic. District Judges should convene monthly meetings and ensure follow-up action on eligible cases for release. The composition of the committees should be broadened to include representatives from the Legal Services Authorities, prison staff, and civil society observers. All UTRC proceedings should be digitally recorded and monitored by the Gauhati High Court through a centralized coordination cell to ensure uniformity and transparency. Regular publication of UTRC outcomes will enhance accountability and public confidence.

11. Enhancing Oversight, Transparency, and Public Accountability: Transparency is the cornerstone of human rights protection. The Board of Visitors must conduct quarterly surprise

inspections, including both judicial and non-judicial members, and submit reports to the Home Department and the Gauhati High Court. The Government should publish an Annual Prison Transparency Report detailing occupancy, healthcare, custodial deaths, and inspection findings. Public access to this information under the Right to Information Act would act as a deterrent to administrative complacency and foster a culture of openness and responsibility within prison administration.

12. Increasing Funding and Infrastructure Modernization: Sustained reform requires sustained investment. The State Government must allocate dedicated funds for the modernization of prison infrastructure, healthcare, and digitalization under the Home and Political Department's budget. Many jails in Assam date back to the colonial era and require reconstruction to meet safety and health standards. Infrastructure modernization should include solar lighting, upgraded drainage, and expanded living spaces. The creation of a Comprehensive Assam Prison Infrastructure Modernization Project would ensure systematic, data-driven development rather than ad hoc repairs.

13. Training and Sensitization of Prison Personnel: Human rights compliance within prisons is impossible without a trained and empathetic workforce. Prison officers and warders should undergo mandatory induction and refresher training focusing on correctional management, gender sensitivity, and conflict resolution. Collaboration with the National Human Rights Commission and judicial academies can enhance the quality of training. Establishing a dedicated Prison Staff Training Academy in Assam will professionalize prison management, instill ethical discipline, and transform attitudes from custodial rigidity to reformative compassion.

14. Strengthening Judicial Oversight and Monitoring: The judiciary must play a sustained supervisory role in protecting prisoners' rights. District and Sessions Judges should conduct regular inspections of local jails and file quarterly reports with the High Court. The Gauhati High Court may establish a Standing Judicial Committee on Prison Reforms to monitor compliance with Supreme Court directives and evaluate progress in decongestion, healthcare, and rehabilitation. Regular hearings and status reviews can create a cycle of accountability that ensures prison reform remains an ongoing institutional concern rather than a one-time judicial response.

15. Integrating Human Rights into Penal Policy: Human rights principles must form the foundation of Assam's penal and correctional policies. A multidisciplinary Task Force on Prison and Human Rights should be constituted to draft a comprehensive Assam Prison Reform Policy aligning with the Mandela Rules, Bangkok Rules, and the Model Prison Manual, 2016. This policy must promote reformatory justice, equal treatment, and non-discrimination. Human rights benchmarks should be integrated into the performance evaluation of prison officers to ensure accountability and reward compliance with humane standards.

16. Introducing Digitalization and Data Management: Digital transformation can serve as a long-term solution to inefficiency and lack of coordination. All prisons must transition to digital record-keeping systems that capture inmate profiles, health records, case progress, and court dates. Integration with the national e-Prisons and e-Courts portals can minimize communication delays and wrongful detentions. A State Prison Information Network should connect prisons, courts, and legal aid institutions, ensuring transparency, real-time monitoring, and policy-level decision support through data analytics.

17. Reintegration and Post-Release Support: Reform does not end at release; it culminates in reintegration. Assam must introduce structured post-release programmes offering transitional housing, skill-based employment, counselling, and legal assistance. Collaboration with NGOs, community organizations, and district administrations can provide ex-prisoners with a safety net against social stigma and recidivism. A dedicated Post-Release Rehabilitation Board should coordinate these efforts, maintaining data on reintegration outcomes. Supporting ex-prisoners through employment, education, and psychological counselling is not merely welfare, it is a constitutional necessity to restore dignity and social inclusion.

Conclusion

The condition of Assam's prisons stands as a sombre reminder that justice in India often falters not in the courtroom but behind the bars that conceal forgotten lives. The persistent overcrowding, procedural delays, inadequate healthcare, and disregard for human dignity expose a dissonance between the constitutional promise of liberty and the lived reality of undertrial prisoners. These individuals, presumed innocent, are condemned to suffer the slow violence of neglect, surviving in spaces where rights exist only as words on paper. The findings of this study make it evident that the crisis is not simply administrative, it is moral, structural, and deeply constitutional. A humane prison system is not a gesture of leniency but an

affirmation of the rule of law; it is the State's most visible test of its commitment to equality, dignity, and justice. The recommendations presented here are not mere procedural adjustments but a roadmap toward moral reclamation, where prisons cease to be warehouses of human despair and become instruments of correction, compassion, and reintegration. Ultimately, the true strength of a democracy lies not in how it treats its powerful, but in how it safeguards the rights of those who have nothing left but their humanity. Assam's prisons must therefore evolve from spaces of confinement to institutions of conscience, reflecting a justice system that heals rather than harms, reforms rather than represses, and redeems rather than rejects.