



# CLES Annual Report 2025





**CLES**

CENTRE FOR LAW, ECONOMICS AND SOCIETY

# CLES Annual Report 2025



## About CLES

The Centre for Law, Economics and Society is a CDPP initiative that seeks to research on the legal landscape in India. Research areas will include the challenges people face to access legal justice and identify areas of improvement to provide quality legal aid services.

Access to justice means that individuals can have their legal rights and grievances addressed through the legal system. However, in India, access to justice faces many barriers like the high cost of legal services, lack of legal representation in certain areas of the country, and a high number of pending cases discouraging people from seeking legal justice. Additionally, it is recognised that access to justice can be particularly challenging for marginalised groups in India, such as Muslims, Dalits, indigenous people, and women. These groups may face discrimination and social barriers that make it harder for them to access legal remedies and justice.

The Constitution of India has provisions for legal aid services to ensure that everyone has access to justice regardless of their financial circumstances. However, legal service institutions are not able to provide quality services due to a lack of infrastructure, uneven human distribution, and inefficient utilisation of funds. Through research, we aim to provide insights into the lacunae in the legal process with a focus on the marginalised sections of the society.

## CLES Advisory Board

- M. N. Rao, Former Chief Justice, of Himachal High Court and Former Judge of the Andhra Pradesh High Court
- Faizan Mustafa, Former Vice Chancellor, NALSAR
- Shafeeq Mahajir, Senior Counsel
- Sanjay Chadha, Senior Counsel, Supreme Court of India
- Aman Wadud, Lawyer, Guwahati High Court
- Qudsia Tabassum, Advocate
- Afsar Jahan, Government pleader, High Court of Telangana
- Mohammed Faud Mirza, Philanthropist
- Dushyant, Lawyer, Andha Kanoon, Andha Samaaj
- Sumaira R. Khan, Advocate and Educationist
- Mani Chander, Lawyer
- Aleem Khan, Trustee at GBKT
- Azam Khan, Director at SDIF
- Hyder Khan, Board President and Trustee of USIPI



## Contents

|                                                                                                                    |    |
|--------------------------------------------------------------------------------------------------------------------|----|
| About CLES .....                                                                                                   | 2  |
| CLES Advisory Board.....                                                                                           | 2  |
| Abbreviations .....                                                                                                | 5  |
| Executive Summary.....                                                                                             | 6  |
| Theme 1: CLES Cases in Hyderabad .....                                                                             | 8  |
| 1 Case Overview.....                                                                                               | 8  |
| 1.1 Accused Profiles.....                                                                                          | 8  |
| 1.2 Offense Patterns .....                                                                                         | 8  |
| 1.3 Financial and Custody Challenges .....                                                                         | 8  |
| Theme 2: Comparative Analysis Report: Assam, Telangana, and Uttar Pradesh.....                                     | 9  |
| 2 Overview.....                                                                                                    | 9  |
| 2.1 Overall Case Distribution .....                                                                                | 9  |
| 2.2 Legal Framework Usage .....                                                                                    | 9  |
| 2.3 Section-Level Analysis.....                                                                                    | 10 |
| 2.4 Offence Themes.....                                                                                            | 11 |
| 2.5 Comparative Insights.....                                                                                      | 11 |
| 2.6 Key Observations .....                                                                                         | 12 |
| Theme 3: Prison Statistics India 2023: Undertrial Realities and Jail Infrastructure .....                          | 13 |
| 3 Summary of the PSI Report.....                                                                                   | 13 |
| 3.1 Introduction .....                                                                                             | 13 |
| 3.2 Jail Infrastructure: Capacity, Population, and Occupancy .....                                                 | 14 |
| 3.3 Composition of Prison Inmates .....                                                                            | 15 |
| 3.4 Educational and Demographic Profile of Undertrial Prisoners .....                                              | 15 |
| 3.5 Religion and Caste of Undertrial Prisoners.....                                                                | 16 |
| 3.6 Duration of Confinement and Judicial Delays .....                                                              | 17 |
| 3.7 Offences and Patterns of Incarceration .....                                                                   | 18 |
| 3.8 Section 436A of CrPC: Utilisation and Impact.....                                                              | 18 |
| 3.9 Releases and Bail Patterns.....                                                                                | 19 |
| 3.10 Policy Implications and Recommendations .....                                                                 | 19 |
| 3.11 Conclusion .....                                                                                              | 21 |
| Theme 4: CLES Law and Society Podcast Series: A Snapshot of India's Unequal Justice—Uniform Episode Summaries..... | 22 |
| Episode 1: Prof. Faizan Mustafa—Structural Injustice in the Criminal Justice System.....                           | 22 |
| Episode 2: Dr. Manisha Sethi—Anti-Terror Laws and the Targeting of Minorities .....                                | 22 |
| Episode 3: Mohd. Tarique—The Criminalisation of Homelessness .....                                                 | 22 |
| Episode 4: Arun Daniel Yellamaty — Juvenile Justice and Rehabilitative Models.....                                 | 22 |
| Episode 5: Prof. Vijay Raghavan—Justice Beyond Punishment.....                                                     | 23 |
| Episode 6: Md. Shafeeq Chaudhary—Social Work and Carceral Justice Activist .....                                   | 23 |
| Episode 7: Prof. K. M. Baharul Islam—Judicial Backlogs, Technology Gaps, and Systemic Reform .....                 | 23 |
| Episode 8: Prof. Aymen Mohammed—Constitutional Myths and Misunderstandings.....                                    | 23 |
| Other Engagements .....                                                                                            | 24 |
| Way Forward .....                                                                                                  | 25 |
| CDPP Research Team.....                                                                                            | 26 |

## Abbreviations

- **ADR** – Alternative Dispute Resolution
- **AIPIF** – All-India Payam-e-Insaniyat Forum
- **BNS** – Bharatiya Nyaya Sanhita
- **CDPP** – Centre for Development Policy and Practice
- **CrPC** – Code of Criminal Procedure
- **IPC** – Indian Penal Code
- **IT Act** – Information Technology Act
- **NDPS Act** – Narcotic Drugs and Psychotropic Substances Act
- **NCRB** – National Crime Records Bureau
- **PDPP Act** – Prevention of Damage to Public Property Act
- **PCM Act** – Prohibition of Child Marriage Act
- **POCSO Act** – Protection of Children from Sexual Offences Act
- **PSI** – Prison Statistics India
- **SC/ST (POA) Act** – Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act
- **TADA** – Terrorist and Disruptive Activities (Prevention) Act
- **POTA** – Prevention of Terrorism Act
- **UAPA** – Unlawful Activities (Prevention) Act
- **UT** – Union Territory

## Executive Summary

The CLES Progress Report of 2025 presents a consolidated overview of the Centre for Law, Economics and Society's research, analysis, and public engagement work undertaken through the year. The report is organised into three major themes.

### Theme 1

In 2025, the Centre for Law, Economics and Society (CLES) tracked 10 cases in Hyderabad involving low-income accused, mostly Muslim men and several juveniles, who were charged with cyber fraud, robbery, theft, and BNS group offenses, many of whom claimed false implication or faced weak evidence despite investigations being largely complete. Across these cases, poverty emerged as the central barrier: families dependent on daily wages could not afford surety amounts of Rs.5,000 to Rs.12,000 (often requiring two sureties) or lawyer fees of around Rs.10,000, creating financial burden and resulting in prolonged judicial custody even for bailable offences. The cases highlight how economic vulnerability, rather than the severity of crime, shapes detention outcomes in India's justice system, disproportionately affecting marginalised communities.

### Theme 2

This section analyses 220 criminal cases from Assam (55%), Uttar Pradesh (23%), and Telangana (22%), highlighting regional patterns in legal frameworks, offence types, and enforcement. Assam predominantly applies the BNS, with cases spanning conspiracy, theft, sexual offences (including POCSO), cattle-related crimes, NDPS, and organised criminal activity. Telangana and U.P. rely primarily on the IPC, with Telangana focused on property offences, violent crimes, and narcotics, while U.P. centers on property theft and NDPS, with minimal section-level detail. Section-level analysis reveals Assam's frequent BNS provisions for criminal liability, conspiracy, and theft, whereas Telangana and U.P. show IPC sections on theft, cheating, robbery, and murder. Comparative insights underscore sociocultural offence clusters in Assam, urban property, and violent crime patterns in Telangana, and systemic property and narcotics issues in U.P. Data gaps are noted, particularly missing FIR dates and limited section information in U.P., indicating challenges for comprehensive cross-state comparisons.

### Theme 3

This section examines overcrowding, undertrial dominance, demographic inequities, and systemic delays in India's prison system using PSI 2023 data. Key findings include an occupancy rate of 120.8%, with undertrials forming 73.5% of all inmates, and significant overrepresentation of marginalised castes and communities. The analysis identifies gaps in infrastructure, staffing, legal aid, and implementation of provisions such as Section 436A, offering clear policy recommendations for procedural justice, prison governance, and social equity.

### Theme 4

This section captures insights from seven published and one upcoming episode of the CLES "Law and Society" Podcast series. The conversations explore structural injustice, anti-terror laws, homelessness, juvenile justice, prison reform, social work interventions, and judicial backlogs. The new episode addresses widespread myths about the Indian Constitution. Together, these episodes deepen public understanding of systemic inequities and pathways towards reform.

The report concludes with CLES's forward-looking plan, highlighting expanded empirical research on marginalised communities, broader geographic coverage, enhanced podcast outreach, and new work on representation in India's judiciary.

## Theme 1: Cases in Hyderabad

### 1 Case Overview

In the year 2025, the Centre for Law, Economics and Society (CLES) noted 10 separate entries across cases involving accused individuals from low-income backgrounds in Hyderabad, primarily under IPC and BNS provisions for offenses like fraud, robbery, theft, and group assaults. These cases highlight systemic issues in India's legal landscape, where economic vulnerability leads to prolonged judicial custody despite claims of false implication and bailable charges.

#### 1.1 Accused Profiles

All accused are male, with two Hindus (Mr. V and Mr. S) and eight Muslims (Mr. Mu in four cases, Mr. AK, and three juveniles: Mr. MA, Mr. AM, and Mr. D), revealing a pattern of overrepresentation among Muslims and the economically disadvantaged. Families often rely on single earners such as domestic workers or street vendors, worsening inability to meet bail conditions. Juveniles emphasise no prior records and parental supervision availability under the *Juvenile Justice Act*.

#### 1.2 Offense Patterns

Charges predominantly involve cyber fraud under *IT Act* Sections 66C/66D with IPC 419/420 for identity theft (two entries), robbery under IPC 392 (four cases against Muzammil, often without strong evidence), theft under IPC 379 (one case), and BNS group offenses like wrongful restraint, hurt, and mischief (three juvenile cases invoking joint liability). Many descriptions note false implicature, weak evidence, and completed investigations favouring release. Penalties range from fines and up to seven years imprisonment, with cash bail is imposed and paid by their own families or friends.

#### 1.3 Financial and Custody Challenges

Surety requirements as seen from these cases, vary from Rs.5,000 to Rs.12,000 per accused, frequently needing two sureties totalling Rs.10,000–20,000, alongside Rs.10,000 lawyer fees per case. Most accused remain in custody due to unaffordability, was a bail grantee facing family hardship like temporary shelter at a *Dargah*. These cases highlight challenges within India's legal system, where the accused's financial resources can significantly influence detention outcomes, often affecting those with limited means more severely than considerations of evidence or rehabilitation.

## Theme 2: Comparative Analysis: Assam, Telangana, and Uttar Pradesh

### 2 Overview

This report analyses 220 criminal cases received from Assam, Telangana, and Uttar Pradesh as per the provided data set. It covers:

- Overall case distribution by state.
- Statutory frameworks (BNS vs. IPC) and associated Acts.
- Section-level frequency analysis.
- Thematic categorisation of offences.
- Comparative insights and key observations.

#### 2.1 Overall Case Distribution

| State         | Cases      | % of Total  |
|---------------|------------|-------------|
| Assam         | 121        | 55.0%       |
| Uttar Pradesh | 51         | 23.2%       |
| Telangana     | 48         | 21.8%       |
| <b>Total</b>  | <b>220</b> | <b>100%</b> |

Observation: Assam dominates the data set with more than half of the cases, while Telangana and U.P. share the remaining proportion almost equally.

#### 2.2 Legal Framework Usage

##### 2.2.1 Assam

- BNS (Bharatiya Nyaya Sanhita): 84 cases.
- IPC (Indian Penal Code): 14 cases (legacy matters).
- Other Acts: Assam Cattle Preservation Act (16), NDPS Act (12), POCSO Act (20), Arms Act (4), Wildlife Protection Act (1), Essential Commodities Act (1), IT Act (1), PDPP Act (1), Petroleum & Pipelines Acts (2), PCM Act (2).

##### 2.2.2 Telangana

- IPC: 33 cases.
- BNS: No cases (IPC remains primary).
- Other Acts: NDPS Act (4), POCSO Act (3), Arms Act (2), Essential Commodities Act (2), IT Act (1), Passport Act (1), SC/ST (POA) Act (1).

##### 2.2.3 Uttar Pradesh

- IPC: 4 cases with explicit sections.
- BNS: No cases.
- Other Acts: NDPS Act (5), Arms Act (1), U.P. Gangsters Act (1).

### 2.3 Section-Level Analysis

#### 2.3.1 Assam BNS Sections

| <b>BNS Section</b> | <b>Mentions</b> | <b>Explanation</b>                                                  | <b>Typical Punishment</b>                                                                                                        |
|--------------------|-----------------|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| 3(5)               | 30              | Joint criminal liability                                            | As the main offence                                                                                                              |
| 61(2)              | 22              | Criminal conspiracy                                                 | As the main offence                                                                                                              |
| 303(2)             | 11              | Aggravated/second theft                                             | 1–5 years imprisonment, and a fine, up to 3 years with/or a fine for the first offence                                           |
| 13(1)              | 11              | Enhanced punishment for certain offences after previous conviction. | Similar conviction under Chapter X or XVII, the offender can be punished with life imprisonment or up to 10 years' imprisonment. |
| 317(2)             | 10              | Receiving of stolen property                                        | Up to 3 years imprisonment, with/or fine or both                                                                                 |
| 325                | —               | Trespass with intent to hurt                                        | Up to 10 years imprisonment with fine                                                                                            |
| 351(2)             | —               | Criminal intimidation                                               | Up to 2 years imprisonment, with/or fine, or both                                                                                |
| 318(4)             | —               | Cheating to induce, delivery of property/destruction of security    | Up to 7 years imprisonment and fine                                                                                              |
| 316(2)             | —               | Criminal breach of trust                                            | Up to 5 years imprisonment, with/or fine or both                                                                                 |
| 6                  | —               | Fractions of terms of punishment                                    | Imprisonment for 20 years is equivalent to life imprisonment unless otherwise stated                                             |

#### 2.3.2 Telangana IPC Sections

| <b>IPC Section</b> | <b>Mentions</b> | <b>Explanation</b>                                         | <b>Typical Punishment</b>                |
|--------------------|-----------------|------------------------------------------------------------|------------------------------------------|
| 411                | 8               | Dishonestly receiving property                             | 3 years or fine or both                  |
| 420                | 7               | Cheating and dishonestly inducing the delivery of property | 7 years with fine                        |
| 379                | 6               | Punishment for theft                                       | 3 years or fine or both                  |
| 302                | 4               | Punishment for murder                                      | Death or imprisonment for life with fine |
| 307                | 4               | Attempt to murder                                          | 10 years with fine                       |

### 2.3.3 Uttar Pradesh IPC Sections (Sparse Data)

| IPC Section | Explanation                    | Typical Punishment      |
|-------------|--------------------------------|-------------------------|
| 411         | Dishonestly receiving property | 3 years or fine or both |
| 380         | Theft in dwelling house        | 7 years with fine       |
| 379         | Punishment for theft           | 3 years or fine or both |
| 392         | Punishment for robbery         | 10 years with fine      |

### 2.4 Offence Themes

| Theme                                | Assam | Telangana | U.P. |
|--------------------------------------|-------|-----------|------|
| Cheating/Forgery/Conspiracy          | 42    | 10        | 4    |
| Sexual Offences (incl. POCSO)        | 30    | 4         | 1    |
| Cattle-related (transport/slaughter) | 24    | 0         | 0    |
| Theft/Robbery/House-break            | 22    | 19        | 34   |
| Attempted Murder/Murder              | 17    | 11        | 0    |
| NDPS/Narcotics                       | 12    | 4         | 6    |
| Arms/Weapons                         | 11    | 2         | 1    |
| Unlawful Assembly/Riot               | 11    | 0         | 1    |
| Extortion                            | 6     | 0         | 0    |
| Election-related                     | 2     | 0         | 0    |

### 2.5 Comparative Insights

- Assam: High complexity—mix of BNS, cattle-related offences, NDPS, and POCSO cases. Strong presence of conspiracy and organised crime.
- Telangana: IPC-centric; property offences dominate, followed by violent crimes and NDPS.
- U.P.: Property crimes and NDPS dominate; minimal detail on sections; one Gangsters Act case noted.

### 2.6 Key Observations

- Regional Patterns: Assam shows sociocultural offence clusters (cattle, communal tension), Telangana leans towards urban property and violent crimes, U.P. reflects systemic property theft and narcotics.
- Data Gaps: U.P. rows lack granular section details; Telangana shows missing FIR dates in some entries.



## Theme 3: Prison Statistics India 2023: Undertrial Realities and Jail Infrastructure

### 3 Summary of the PSI Report

The *Prison Statistics India 2023* (PSI 2023), published by the National Crime Records Bureau (NCRB) and released in September 2025, offers a comprehensive examination of India's carceral landscape. The data reveal persistent systemic imbalances in the country's prisons, such as overcrowding, the dominance of undertrials, and inadequate infrastructure, despite marginal improvements since 2022.

As of December 31, 2023, India's 1,332 jails held 5,30,333 inmates against an authorised capacity of 4,39,119, translating to an occupancy rate of 120.8%. While this represents a slight reduction from 131.4% in 2022, overcrowding remains acute in key states and urban centres. Delhi reported an alarming occupancy rate of 200.2%, followed by Meghalaya (188.7%) and Uttarakhand (183.1%).

Undertrial prisoners continue to dominate the prison population, constituting 73.5% of all inmates. The concentration of undertrials in states such as Uttar Pradesh, Bihar, and Maharashtra highlights the chronic nature of judicial delays and inadequate access to legal representation. Educational deprivation remains pronounced; nearly two-thirds of undertrials are either illiterate or educated below Class X, reflecting structural marginalisation and limited legal awareness.

The 2023 report also highlights disparities across religion and caste, revealing overrepresentation of Scheduled Castes (20.6%), Scheduled Tribes (10.0%), and Other Backward Classes (35.3%) among undertrials. Despite legal safeguards such as Section 436A of the CrPC, which enables the release of inmates detained beyond half the maximum sentence for their alleged offence, utilisation remains minimal, with only 656 releases nationwide in 2023.

This section analyses these findings in depth, drawing out their policy implications and proposing evidence-based recommendations to enhance justice delivery, reduce pre-trial detention, and improve carceral infrastructure.

#### 3.1 Introduction

India's prison system functions as a critical mirror of the nation's justice delivery framework. It reflects not only the capacity and efficiency of law enforcement and the judiciary but also the socioeconomic inequities that determine who enters and exits the system. The *Prison Statistics India 2023* provides an official, empirical basis for understanding these realities.

The report covers data from 36 States and Union Territories, compiled by the National Crime Records Bureau (NCRB) under the Ministry of Home Affairs, as per PSI 2023. As of December 31, 2023, India had 1,332 jails, housing 5,30,333 prisoners. Of these, 3,89,910 were undertrials, 1,35,536 were convicts, 3,916 were detainees, and 971 fell under the "others" category.

Despite a 7.5% decrease in total inmate population compared to 2022, overcrowding remains structurally embedded, compounded by slow judicial processes, uneven bail practices, and underutilisation of non-custodial measures. This report contextualises the 2023 data within broader patterns of incarceration and examines the policy gaps impeding systemic reform.

#### 3.2 Jail Infrastructure: Capacity, Population, and Occupancy

##### 3.2.1 Overview

India's prison infrastructure comprises seven main categories: central jails, district jails, sub-jails, women's jails, borstal schools, open jails, and special jails. Together, these 1,332 institutions had a sanctioned capacity of 4,39,119 inmates but housed 5,30,333 prisoners—an occupancy rate of 120.8% (NCRB, PSI 2023).



**Table 3.1***Jail Capacity and Inmate Population (2023)*

| Type of Jails     | Capacity | Inmates  | Occupancy Rate (%) |
|-------------------|----------|----------|--------------------|
| Central Jails     | 1,98,150 | 2,39,136 | 120.7              |
| District Jails    | 1,72,074 | 2,35,014 | 136.6              |
| Sub-Jails         | 43,800   | 38,244   | 87.3               |
| Special Jails     | 9,065    | 8,373    | 92.3               |
| Women Jails       | 7,086    | 4,293    | 60.6               |
| Open Jails        | 7,201    | 5,273    | 73.2               |
| All Jails (India) | 4,39,119 | 5,30,333 | 120.8              |

Uttar Pradesh leads with the largest prison capacity (65,866) and inmate population (98,849). Bihar, Madhya Pradesh, Maharashtra, and Punjab follow. However, the occupancy rate varies widely across states—Delhi's 200.2% indicates extreme congestion, whereas Lakshadweep (4.7%) and Ladakh (29.7%) report underutilisation.

### 3.2.2 Spatial Inequities

Prison distribution is uneven across the country. Rajasthan and Tamil Nadu collectively account for over 20% of all jails. The absence of sufficient district or sub-jail facilities in several states—especially in the Northeast and smaller UTs —indicates an infrastructural imbalance. District jails remain the most overcrowded, housing more than one-third above their sanctioned capacity.

This spatial disparity not only burdens larger states but also undermines localised correctional administration. The lack of proportional expansion in jail capacity, despite rising arrest rates, reveals a policy lag in infrastructure development relative to population growth and crime reporting.

### 3.3 Composition of Prison Inmates

Undertrials dominate India's prison system. The PSI 2023 data confirms that nearly three out of every four inmates have not been convicted.

**Table 3.2***Composition of Prison Population (2023)*

| Types of Prisoners | Number   | Percentage |
|--------------------|----------|------------|
| Undertrials        | 3,89,910 | 73.5%      |
| Convicts           | 1,35,536 | 25.6%      |
| Detenues           | 3,916    | 0.7%       |
| Others             | 971      | 0.2%       |
| Total              | 5,30,333 | 100%       |

Source: NCRB, Prison Statistics India 2023.

The share of undertrials has declined marginally from 75.8% in 2021 but remains structurally high. The continued dominance of undertrials underscores deep-seated judicial delays, limited legal aid coverage, and overreliance on custodial detention.

The top five states by undertrial population in India include Uttar Pradesh (73,491), Bihar (46,529), Maharashtra (32,438), Punjab (24,503), and West Bengal (20,294). These states collectively account for more than half of India's undertrials, revealing concentrated judicial backlogs in populous regions.

### 3.4 Educational and Demographic Profile of Undertrial Prisoners

#### 3.4.1 Educational Attainment

Education correlates directly with access to justice and rehabilitation prospects. PSI 2023 reveals that a majority of undertrials lack basic literacy.

**Table 3.2**

*Composition of Prison Population (2023)*

| Education Qualification     | Percentage |
|-----------------------------|------------|
| Illiterate                  | 23.8%      |
| Below Class X               | 40.4%      |
| Class X to Below Graduation | 25.1%      |
| Graduate                    | 7.2%       |
| Technical Diploma           | 1.4%       |
| Postgraduate                | 2.0%       |

Source: NCRB, Prison Statistics India 2023.

**Table 3.4**

*Religion-Wise Distribution of Undertrials (2023)*

| Religion  | Percentage |
|-----------|------------|
| Hindu     | 64.9%      |
| Muslim    | 18.4%      |
| Sikh      | 4.9%       |
| Christian | 2.7%       |
| Others    | 0.8%       |

Source: NCRB, Prison Statistics India 2023.

**Table 3.5**

*Caste-Wise Distribution of Undertrials (2023)*

| Social Group                 | Percentage |
|------------------------------|------------|
| Scheduled Castes (SC)        | 20.6%      |
| Scheduled Tribes (ST)        | 10.0%      |
| Other Backward Classes (OBC) | 35.3%      |
| Others                       | 25.8%      |

Source: NCRB, Prison Statistics India 2023.

Marginalised social groups (SC, ST, OBC) together constitute 65.9% of all undertrials—significantly higher than their share in the general population, as per Census 2011. The overrepresentation of these communities indicates enduring structural discrimination and unequal access to legal recourse. The top states by SC undertrials include Uttar Pradesh (20,534), Bihar (8,549), Punjab (7,389), Haryana (5,868), and Madhya Pradesh (4,385).

This concentration mirrors regional caste hierarchies and socioeconomic vulnerabilities. Policy attention towards legal aid accessibility and community-based bail mechanisms is essential to address this imbalance.

### 3.6 Duration of Confinement and Judicial Delays

Length of pre-trial detention is a crucial measure of justice system efficiency.

**Table 3.5**

*Caste-Wise Distribution of Undertrials (2023)*

| Duration          | Percentage |
|-------------------|------------|
| Up to 3 months    | 32.5%      |
| 3–6 months        | 20.1%      |
| 6–12 months       | 16.7%      |
| 1–2 years         | 14.0%      |
| 2–3 years         | 8.1%       |
| 3–5 years         | 5.9%       |
| More than 5 years | 2.7%       |

Source: NCRB, Prison Statistics India 2023.

Although a majority (nearly 70%) are confined for less than a year, the presence of 10,392 undertrials detained for more than five years raises concerns about procedural justice. Extended confinement without conviction violates the principle of presumption of innocence and signals systemic inefficiency.

### 3.7 Offences and Patterns of Incarceration

Undertrials accused of offences against the human body, including murder, assault, and sexual crimes, constitute the majority.

**Table 3.7**

*Undertrials by Type of IPC Offence (2023)*

| Types of Offences               | Percentage |
|---------------------------------|------------|
| Offences against the Human Body | 64.6%      |
| Offences against Property       | 27.5%      |

Source: NCRB, Prison Statistics India 2023.

**Table 3.8**

*Undertrials under SLL Offences (2023)*

| Special Offences      | Percentage |
|-----------------------|------------|
| Liquor/Narcotics Acts | 66.4%      |
| Arms/Explosives Acts  | 13.8%      |
| SC/ST Acts            | 4.0%       |

Source: NCRB, Prison Statistics India 2023.

This distribution reflects both the prevalence of violent and substance-related crimes and the policing focus on specific laws such as narcotics and arms regulations. It also highlights the criminal justice system's punitive bias towards certain categories of offences, often without corresponding conviction rates.

### 3.8 Section 436A of CrPC: Utilisation and Impact

Section 436A allows the release of undertrials who have served half the maximum sentence prescribed for their alleged offence. However, its implementation remains limited.

**Table 3.9**

*Status of Section 436A (2023)*

| States          | Eligible | Released |
|-----------------|----------|----------|
| Uttar Pradesh   | 993      | 412      |
| Rajasthan       | 135      | 68       |
| Jammu & Kashmir | 69       | 65       |
| Bihar           | 48       | 39       |
| West Bengal     | 65       | 17       |
| All India       | 1,384    | 656      |

Source: NCRB, Prison Statistics India 2023.

**Table 3.10**

*Undertrial Releases (2023)*

| Undertrial Releases        | Number    | Percentage |
|----------------------------|-----------|------------|
| Total Released             | 15,35,182 | 100%       |
| Released on Bail           | 14,41,335 | 93.9%      |
| Acquitted (First Instance) | 53,291    | 3.5%       |
| Acquitted (On Appeal)      | 19,766    | 1.3%       |
| Transferred                | 5,553     | 0.4%       |

Source: NCRB, Prison Statistics India 2023.

High acquittal figures (over 70,000) imply that a considerable segment of undertrials were detained despite eventual innocence—raising questions about investigation quality, legal aid adequacy, and judicial oversight.

### 3.10 Policy Implications and Recommendations

The PSI 2023 data indicate a complex intersection of overcrowding, undertrial dominance, and socioeconomic inequities. Policy reforms must therefore address both infrastructural capacity and procedural justice.

### Reducing Overcrowding

- Prioritise the expansion of district jails in high-density states, such as Uttar Pradesh, Bihar, and Madhya Pradesh.
- Enhance the use of non-custodial alternatives such as probation, electronic monitoring, and community-based corrections to alleviate pressure.
- Institutionalise regular audits of prison capacity versus population.

### Strengthening Legal Aid

- The PSI 2023 notes that 1,93,852 inmates received legal aid. This figure, though substantial, must be expanded through paralegal volunteer networks and digital legal access.
- Ensure mandatory legal representation at the first remand stage to minimise unnecessary undertrial detention.

### Enhancing Prison Education

- With 64% of undertrials below Class X education, literacy, and vocational training programmes should be integrated into prison routines.
- Establish partnerships with open universities and skill councils for inmate certification.

### Implementing Section 436A

- Establish state-level monitoring cells to identify and process eligible inmates automatically.
- Encourage judicial training to promote awareness and consistent application of Section 436A.

### Addressing Social Disparities

- Develop targeted legal outreach for SC, ST, and OBC communities through District Legal Services Authorities.
- Collect disaggregated data on intersectional vulnerabilities (caste, gender, income) to inform equitable policy design.

### Infrastructure and Staffing

- PSI 2023 records a 32.8% staff shortfall, with 94,458 sanctioned positions versus 63,490 in post.
- Fill vacancies and improve officer training on correctional management, mental health, and human rights.
- Expand quarters and welfare facilities to achieve parity with sanctioned strength.

### 3.11 Conclusion

*Prison Statistics India 2023* reveals that India's prison crisis is not merely quantitative, but also deeply structural. Overcrowding, undertrial dominance, and socioeconomic marginalisation reinforce one another, perpetuating cycles of exclusion and delayed justice. Despite a modest decline in occupancy rates since 2022, underlying issues such as judicial delays, uneven access to legal aid, and insufficient use of statutory release provisions, persist.

Reform requires a holistic strategy combining infrastructure investment, judicial efficiency, and social equity. The 2023 data underscores that meaningful decongestion cannot occur through construction alone; it depends equally on legal reform and humane governance. By aligning prison policy with rehabilitative objectives and evidence-based management, India can transform its prisons from sites of confinement to spaces of correction and reintegration.

## Theme 4: CLES Law and Society Podcast Series: A Snapshot of India's Unequal Justice—Uniform Episode Summaries

The Centre for Law, Economy, and Society (CLES) launched the Law and Society series under its Policy to Practice Podcast to explore how India's legal system impacts its most marginalised populations. Through conversations with scholars and practitioners, the series examines systemic inequalities and pathways to reform.

### ***Episode 1: Prof. Faizan Mustafa—Structural Injustice in the Criminal Justice System***

In this opening episode, legal scholar Prof. Faizan Mustafa discusses how colonial-era laws continue to shape India's criminal justice system and disproportionately harm those with limited social and economic power. He highlights issues such as prolonged trials, the unaffordability of bail, and the overrepresentation of minorities on death row. Drawing comparisons with global legal models, he calls for urgent reforms that strengthen access, fairness, and dignity for vulnerable communities.

### ***Episode 2: Dr. Manisha Sethi—Anti-Terror Laws and the Targeting of Minorities***

Dr. Manisha Sethi examines India's anti-terror laws—TADA, POTA, and UAPA—and explains how their broad and ambiguous provisions enable misuse, often targeting minority and marginalised groups. She discusses how extended detention, denial of bail, and reliance on secret evidence turn legal processes into punishment. The episode highlights the shrinking space for civil liberties and democratic accountability in the name of national security.

### ***Episode 3: Mohd. Tarique—The Criminalisation of Homelessness***

Mr. Mohd. Tarique, founder of Koshish, speaks about how homelessness is criminalised in India. He describes how many homeless individuals—especially women and transgender persons—are detained simply for sleeping in public spaces. Mr. Tarique critiques beggar homes that operate like carceral institutions and advocates for community-based rehabilitation. He also draws attention to gaps in national data and the slow pace of legal reform despite growing state-level interest.

### ***Episode 4: Arun Daniel Yellamaty — Juvenile Justice and Rehabilitative Models***

In this episode, Mr. Arun Daniel Yellamaty of the Youngistaan Foundation presents a grassroots reform model for juvenile homes in Hyderabad. Through sustained engagement—including vocational training, STEM labs, and mental health support—his team has helped improve children's well-being and prospects. The conversation contrasts the reformative spirit of the *Juvenile Justice Act* with its inconsistent implementation, showing how civil society can build humane alternatives within the system.

### ***Episode 5: Prof. Vijay Raghavan—Justice Beyond Punishment***

Prof. Vijay Raghavan from the Centre for Criminology and Justice, TISS Mumbai, reflects on his decades of work with Prayas, a field action project that supports prisoners, undertrials, and their families. He discusses the barriers vulnerable groups—especially women, youth, and children—face in accessing legal and social support, both during incarceration and after release. Emphasising the importance of rehabilitation and reintegration, he explains the systems and support structures required to reduce recidivism and promote social justice.

***Episode 6: Md. Shafeeq Chaudhary—Social Work and Carceral Justice Activist***

Md. Shafeeq Chaudhary, District Coordinator for Lucknow under the All-India Payam-e-Insaniyat Forum (AIPIF), discusses the organisation's history, philosophy, and broad humanitarian work. AIPIF promotes social harmony, moral values, and community welfare across caste, religion, and class lines. Chaudhary highlights AIPIF's contributions to carceral justice—such as bail funds, healthcare camps, and inmate support—which reflect how faith-inspired principles can drive effective social interventions. The episode underscores the power of long-term, community-driven engagement in addressing structural inequalities.

***Episode 7: Prof. K. M. Baharul Islam—Judicial Backlogs, Technology Gaps, and Systemic Reform***

Prof. K. M. Baharul Islam analyses the chronic delays and structural inefficiencies in India's judiciary, particularly the shortage of judges and persistence of colonial-era procedural norms. He discusses the uneven progress of digital reforms, the neglected mental health crisis in prisons, and the economic implications of judicial unpredictability. The episode concludes with recommendations for institutional accountability, improved judicial training, stronger ADR systems, and data-driven performance evaluation to enhance India's justice delivery and global legal credibility.

***Episode 8: Prof. Aymen Mohammed—Constitutional Myths and Misunderstandings***

In this episode, Prof. Aymen Mohammed of NALSAR University joins host Moumita Barman to unpack some of the most common myths about the Indian Constitution. He addresses misconceptions such as the claim that the Constitution is a colonial copy, that secularism and socialism were added later without basis, that minorities receive excessive privileges, or that reservations and federalism have fixed expiry dates or rigid limits.

Prof. Aymen explains why such myths persist—driven by politics, social media narratives, and weak civic education—and how they distort the framers' intentions. He also notes that countries worldwide grapple with similar misunderstandings. The episode concludes with a discussion on how educators, young people, and scholars can strengthen constitutional literacy and counter misinformation in public discourse.



## CLES Podcast Series



## Other Engagements

### 1. Talk by Civil Judge Mohammad Asadulla Shareef

In February 2025, CDPP and CLES hosted a talk by Civil Judge Mohammad Asadulla Shareef on access to justice for vulnerable groups. The session highlighted how lower courts operate and how procedural hurdles affect the ability of people to navigate the legal system. It also focused on the gaps in legal aid and how these factors combined influence case outcomes for those who are already at a disadvantage.

### 2. Development Conference on Public Policy 2025 (CLES panel contribution)

At the March Development Conference on Public Policy 2025, CLES contributed to a panel on access to justice and bail reforms. The panel discussed the constraints faced at the district-court level, including issues linked to pre-trial detention. It also examined how economic vulnerability shapes legal outcomes, particularly for individuals who face difficulties in meeting the requirements of the justice process.

### 3. CDPP session on judiciary/legal careers & CLES-AIPIF collaboration

Later in the year, CDPP hosted a session on the judiciary and legal careers. During this period, CLES also launched a collaboration with AIPIF to jointly study the legal, educational, and socio-economic challenges experienced by marginalised communities. This initiative focuses on understanding these intersecting issues through a shared research effort.

### 4. Reading Between the Legal Lines: Two-Day Legal Careers Conclave

The CETI Foundation organised a two-day in-person conclave, “Reading Between the Legal Lines: Exploring the Law Beyond Its Written Words,” on 13–14 December 2025 in Hyderabad. The event brought together undergraduate and postgraduate law students, along with faculty and researchers, including participants from the Centre for Development Policy and Practice (CDPP).

The conclave featured insightful sessions by eminent academics, legal practitioners, and judges on diverse career pathways in law, legal research, social development, law and economics, the judiciary, and transactional practice. Through interactive discussions and experiential insights, the event encouraged students to reflect critically on the role of law beyond statutes and to explore meaningful, socially engaged career trajectories.

## Way Forward

Moving ahead, we will extend our engagement with criminal justice reforms through several key initiatives. First, we continue to collaborate with lawyers and organisations to conduct a detailed study of prisoners from marginalised communities. This will help us understand their socioeconomic backgrounds, the nature of charges against them, and the support systems available during and after incarceration.

Second, our podcast series will expand to include more voices from legal aid practitioners, formerly incarcerated individuals, grassroots activists, and academic experts. This will help build a richer and more inclusive conversation around access to justice.

Third, we will broaden our analysis to cover more states and union territories. This will focus on identifying patterns in case delays, digital access challenges, and their impact on individuals in lower courts.

Finally, CLES will focus on the issue of under-representation in India's judiciary, especially among women, religious minorities, and marginalised social groups such as Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). We also welcome suggestions for future research, particularly studies that explore the link between poverty and the criminal justice system, evaluate the effectiveness of legal aid, and compare bail practices across different communities.

## CDPP Research Team

**Amitabh Kundu** is a Professor Emeritus at L. J. University, Ahmedabad, a Visiting Professor at MANUU, Hyderabad, and a Trustee of Development Alternatives, Delhi. Formerly a Professor and Dean at JNU, he chaired key committees, including the Post-Sachar Evaluation, Diversity Index (Ministry of Minority Affairs), Housing Shortage Estimation (Urban Development), and Housing Start-Up (RBI). Min

**Soma Wadhwa** is a development studies researcher, with extensive experience as a media professional. Currently she is a Research Scholar at the School of Liberal Studies and Media at UPES, Dehradun, India.

**Nahia Hussain** is Vice President (Policy Affairs) at CDPP with a Master's degree from National Law School of India, Bangalore.

**Anjana Divakar** is the Executive Director of Public Policy Research and Operations at the CDPP. She has a Master's degree in Public Policy from the Jindal School of Government and Public Policy.

**Laldinmoi Pangamte** is the Copy Editor, Publications, at CDPP. She has a PhD degree from the School of International Studies, Jawaharlal Nehru University, New Delhi.

**Moumita Barman** is a Senior Research Associate at CDPP. She has a Master's degree in Public Policy and Governance from the Tata Institute of Social Sciences, Hyderabad.

**Sejal Gupta** is a Senior Research Fellow at CDPP, working on the Regulation Project across Emerging, Infrastructure, and Consumer sectors. She holds a Master's in Urban Planning (SPA, New Delhi).

**Manisha Dhulipala** is a Senior Research Fellow at CDPP. She holds an M.Sc. in Science and Technology for Sustainability (SPRU, University of Sussex) and an M.Sc. in Environmental Sciences (Marathwada University).

**Lubna Ludheen** is a Research Associate at CDPP. She has a Master's Degree in Public Policy from Mount Carmel College, Bengaluru.

**Mohammed Ahmed** is a Graphic and UI Designer at CDPP. He has a bachelor's degree in Commerce from Dr. B.R. Ambedkar Open University, Telangana.

**Mohammed Rahmath Ali** is the Manager, Operations & Finance at CDPP. He has a degree in Commerce from Osmania University, Hyderabad, Telangana.

**Iqra Ahmed** is a Communications and Copyediting Associate at CDPP. She has a Master's degree in Journalism and Mass Communication from Dibrugarh University, Dibrugarh, Assam.

**Arnav Panwar** is a Research Fellow at CDPP. He has an undergraduate degree from FLAME University in Public Policy. He has previously worked as a research intern at CDPP, Hyderabad and TIDE, Bangalore.

**Areeb Barr Abdullah** is a Research Intern at CDPP. He holds a Bachelor's degree from Jamia Millia Islamia and a Master's degree in Geography from Dr. Ram Manohar Lohia Avadh University, Uttar Pradesh.

**Abdul Basit Baig Mirza** is a Legal Research Intern at CDPP. He is a BA, LL.B. student at Symbiosis Law School Hyderabad.

**Rishit Raghavan** is a Legal Research Intern at CDPP. He is a first-year undergraduate student at OP Jindal Global Law School, Sonipat.

**Shambhavi Sharma** is a Research Intern at CDPP. She is pursuing her Master's in International Relations from Macquarie University, Sydney, Australia.

**Srika Devarakonda** is a Legal Research Intern at CDPP. She is a third-year law student at OP Jindal Global Law School.

## Unauditable Balance Sheet

### Centre for Law, Economics and Society (CLES)

(Initiative under Centre for Development Policy and Practice – CDPP)

#### Annual Report 2025

| <u>Receipts</u>                                            | <u>Amount (INR)</u> |
|------------------------------------------------------------|---------------------|
| Amount received (USD 10,000 @ 87.19) – September 2025      | 8,71,900.00         |
| Total Receipts (after deduction of USD 7.5) (USD: 9,992.5) | 8,71,246.08         |
| Normal Total Receipts                                      | 8,71,900.00         |
| <u>Expenditure</u>                                         | <u>Amount (INR)</u> |
| Research and Data Fees                                     | 3,77,000.00         |
| Professional Fees – Research Associates (2)                | 5,80,000.00         |
| Total Expenditure                                          | 9,57,000.00         |
| <b>Balance</b>                                             | <b>– 85,100.00</b>  |



To join our CDPP Community, scan the QR code.

Scan QR Code:



## CENTRE FOR DEVELOPMENT POLICY AND PRACTICE

Serene Heights Building, # 10-3-303, Masab Tank, Hyderabad, Telangana, 500028, India.  
Contact us: [info@cdpp.co.in](mailto:info@cdpp.co.in) | [www.cdpp.co.in](http://www.cdpp.co.in) | +91 9391581698