International Journal of Social Science and Humanities
www.humanitiesjournals.com
Online ISSN: 2664-8628 Print ISSN: 2664-861X
Received: 15-11-2025, Accepted: 14-12-2025, Published: 29-12-2025
Volume 7, Issue 6, 2025, Page No. 145-150

Detention, stigma, and poverty: A socio-legal analysis of undertrial prisoners

Faizan Ashraf[1], Umair Khan[1], Shereen Sadiq[2]
[1] Research Scholar, Department of Sociology, Aligarh Muslim University, Aligarh, Uttar Pradesh, India
[2] Professor, Department of Sociology, Aligarh Muslim University, Aligarh, Uttar Pradesh, India
DOI: https://doi.org/10.66856/ijssh.2025.7.6.7137

Abstract
Prisons in India house one of the largest populations of under-trial prisoners. Most of them are behind bars, not due to the severity of their alleged offences but because of delays in the justice delivery system, poverty, and social exclusion. (National Crime Records Bureau [NCRB], 2023). This paper focuses on a socio-legal analysis of undertrial detention, emphasizing how poverty and stigma intersect to sustain cycles of incarceration. Drawing on qualitative data collected from Aligarh District Jail through Welfare Actions for Incarcerated (WAFI), an outreach program of the Department of Sociology at Aligarh Muslim University, which provides socio-legal assistance to inmates, the study explores the lived experiences of undertrial prisoners. It analyses how poverty, lack of legal literacy, and social abandonment extend the punitive effects of detention well beyond the courtroom. Thematic analysis shows that financial inability to secure bail, family rejection due to stigma, and inadequate legal representation collectively deepen the marginalization of undertrial prisoners. The study also critically examines the limitations of legal aid and highlights the role of an outreach programme in improving access to justice. By emphasizing the socio-structural aspects of detention, this paper advocates for shifting from individual blame to a more systemic understanding of carceral inequality in India. Policy recommendations are provided to strengthen legal aid, incorporate socio-legal work into prison systems, and reframe detention as a site of rights rather than neglect.

Keywords: Prisoners, poverty, stigma, detention, socio-legal analysis, legal aid, prison reform

Introduction

Undertrial detention in India has remained a persistent concern for decades, revealing critical fractures in the country's criminal justice system. Undertrial prisoners are individuals who are locked in jail while awaiting the outcome of their trials. They account for a dangerously high portion of India's prison population. According to the National Crime Records Bureau (2023) [14], undertrials constitute over 73.5% of the total incarcerated population, making India one of the countries with the highest rates of undertrial detention. This situation not only conflicts with the constitutional principle of "innocent until proven guilty" but also unfairly impacts marginalized groups.

Poverty is a core factor in the experience of undertrial detention. The inability to afford qualified private legal counsel, pay financial bail bonds, or even understand one's legal rights due to low legal literacy often leads to extended pretrial detention (Neha, 2024) [1]. Data collected at Aligarh District Jail from October 2022 to July 2023 shows many cases where poverty directly caused longer confinement. One example involves a nineteen-year-old man who stayed in jail despite being granted bail, simply because he couldn't pay a court-imposed fine of ₹3,000—seemingly a small amount but often unaffordable for those in severe poverty.

Compounding the effects of poverty is the burden of social stigma related to imprisonment. Even in cases where detainees were eventually granted bail, field data shows that many families refused to accept or support the accused, instead choosing to cut social and emotional ties. This stigma, rooted in shame, fear of community backlash, and perceived guilt, acts as a secondary form of punishment, reinforcing the isolation of prisoners even after legal intervention. Another case concerns a 20-year-old first-time offender charged under Sections 411 and 414 of the Indian Penal Code (IPC), which further illustrates this phenomenon. In this case, the family declined to pursue bail, justifying their decision by asserting that incarceration would serve as a necessary "lesson" for the accused.

Legal frameworks, while theoretically providing safeguards, often fall short in actual practice. The Legal Services Authorities Act (1987) and constitutional provisions such as Articles 21 and 39A guarantee free legal aid and the right to a fair trial. However, the enforcement of these rights is inconsistent and mostly inaccessible to the very populations that need them most. Community-led NGOs and civil society efforts have attempted to fill these gaps by providing legal aid, emotional counseling, and family mediation; however, these remain patchwork solutions in a system plagued by structural delays and socio-legal inequalities.

The aim of this study is to conduct a socio-legal analysis of undertrial detention in India through the interconnected lenses of poverty, stigma, and procedural delay. Utilizing field-based insights from the WAFI intervention and existing academic literature, the study explores how systemic factors create and sustain undertrial incarceration, particularly among the economically and socially vulnerable. By framing the undertrial experience as not just legal but also deeply sociological, this paper advocates for reconceptualizing incarceration as a structural failure rather than mere individual misfortune.

The research is guided by the following core questions

1. How does poverty shape the legal trajectories of undertrial prisoners?
2. In what ways does stigma, both familial and social, extend the punitive experience of detention?
3. How effective are legal aid and community-led interventions in breaking these patterns?

This paper contributes to the growing scholarship that challenges the neutrality of legal systems and emphasizes

the role of social determinants on access to justice. Through a thematic approach rooted in qualitative data, it seeks to offer insights for policy reform and advocate for a rights-based approach to prison justice in India.

Thematic Literature Review

The Political Economy of Undertrial Detention: Scholars have long noted that incarceration in India is not merely a consequence of crime but also of class- and caste-based inequalities (Baxi, 2017). The colonial-era prison system, designed to discipline the 'native subject,' has today evolved into a space disproportionately occupied by the poor and marginalized communities (Kumar, 2018) [10]. The inability to afford private legal counsel or navigate the complexities of bail procedures often results in the poor languishing behind bars for years for petty offences. As the WAFI report illustrates, most detainees were arrested under bailable sections such as Sections 411, 379, and 420 of the Indian Penal Code (IPC), yet remained imprisoned due to lack of resources and social capital. The economic cost of accessing justice remains prohibitively high. Bail procedures often necessitate monetary sureties or land ownership documents, which underprivileged detainees are typically unable to furnish (Neha, 2024) [1]. Although legal aid lawyers exist in principle, they are frequently overburdened or lack the motivation to provide meaningful representation. Observations from the WAFI programme indicate that several detainees had not met their court-appointed lawyers for months, and in some cases, even half a year.

Legal Aid and the Limits of the Welfare State: While the Legal Services Authorities Act (1987) was envisioned to make justice accessible to the weaker sections of society, its operational effectiveness remains questionable. Scholars argue that legal aid in India is often seen as a ceremonial rather than a substantive right (Sharma, 2020) [15]. The disconnect between the prisoner and their legal representative, coupled with long adjournments and underachieving District Legal Services Authorities (DLSAs), renders legal aid ineffective for many. The WAFI intervention bridged this gap by actively liaising with DLSA officials and assisting in filing bail applications. These alternative legal mechanisms helped secure bail for prisoners like Pappu, Morris, and Sonu, whose cases had been stagnating due to bureaucratic inertia. However, as McCulloch (2005) [13] notes in the global context, civil society interventions can only supplement not substitute a failing justice delivery system.

Stigma, Familial Abandonment, and Carceral Identity: Imprisonment carries with it a strong moral stigma in Indian society, often translating into family abandonment, community rejection, and social isolation. Scholars like Nash (2011) highlight that the 'carceral identity' persists long after legal charges are dropped or acquittal is secured. In the Indian context, where family structures are deeply intertwined with one's social standing, being accused of a crime—even without conviction—can lead to complete severance from familial support. The WAFI report offers multiple examples of such cases, including those of Malik, Sallu, and Babli, where families refused to intervene in bail processes due to moral disapproval or fear of reputational harm. The absence of emotional support not only affects the detainee's legal strategy but also compounds psychological distress.

Juveniles and the Violation of Legal Protections: Despite the clear mandates of the Juvenile Justice (Care and Protection of Children) Act, 2015, juveniles are often detained in adult prisons due to lack of verification procedures or administrative negligence (Kumar, 2018) [10]. The case of Raju, a 12-year-old child detained under serious IPC sections and transferred only after months of incarceration, underscores the failure of child-protection protocols. This reflects broader critiques of the Indian justice system's inability to operationalize legal safeguards for vulnerable groups.

Interventions and the Role of Social Work: Emerging scholarship emphasizes the role of prison-based social work in rehabilitating detainees, providing emotional counselling, and facilitating reintegration (McCulloch, 2005; Bhatia, 2017) [13]. While still underdeveloped in India, interventions such as WAFI offer promising models of interdisciplinary engagement, where socio-legal needs are addressed holistically. These efforts not only reduce the burden on state systems but also re-humanize the incarcerated individual as a person deserving of rights, dignity, and care.

Table 1: Summary of WAFI Interventions for Undertrial Prisoners (2022–2023)

S.No.	Pseudonym	Age in Years	Sections IPC	Status	Intervention
01	Malik	20	414	Undertrial	Counselled him and his family
02	Annu	38	302, 452	Undertrial	Provided legal aid
03	Ballu	18	414, 411, 420	Undertrial	Bail granted
04	Daya	38	420, 467, 468, 471, 384	Undertrial	Bail granted
05	Gaya	24	411	Undertrial	Provided legal aid
06	X	12	380, 398, 411, 457	Undertrial	transferred to a juvenile home in Agra from Aligarh District Jail
07	Kanta	40	307, 303	Undertrial	Provided legal aid
08	Ramu	20	457, 380, 411	Undertrial	Counselled him
09	Rocky	19	380, 411	Undertrial	Provided legal aid
10	Sallu	20	382, 458, 380, 427, 411	Undertrial	Counselled him and his family
11	Sonu	20	380, 411, 452	Undertrial	Bail granted
12	Raja	18	411, 414, 102	Undertrial	Bail granted

13	Babli	36	363,366,506 POCSO	Undertrial	Bail granted
14	Pappu	19	379, 411	Undertrial	Bail granted
15	Ramesh	21	411, 414	Undertrial	Counselled him and his family
16	Hajuri Begum	70	395, 412	Undertrial	Provided legal aid
17	Sunny	20	NDPS Act 21/22	Undertrial	Provided legal aid
18	Morris	19	379, 411	Undertrial	Bail granted
19	Banu	37	323, 324, 504, 302, 341	Undertrial	Bail granted
20	Lalit	18	379,411	undertrial	Provided legal aid

Table 1: Summarizes the profiles, interventions, and outcomes of 20 selected undertrial cases addressed by WAFI during the study period.

Case Studies of Selected Undertrial Prisoners: The 12 cases presented in this study are drawn from the lived experiences of 20 undertrial prisoners who were engaged during the WAFI intervention at Aligarh District Jail (2022–2023). These cases were purposefully selected to reflect and focus only on the key themes that emerged during fieldwork, including poverty, stigma, lack of legal aid, and the role of WAFI's interventions. Each case represents a broader pattern observed among the undertrial population. Pseudonyms are used to maintain confidentiality.

1. **Rocky (Age: 19):** Rocky was arrested under IPC Sections 380 and 411 for allegedly being involved in a petty theft case. Despite being granted bail, he remained in custody because he was unable to pay a ₹3,000 penalty. He belonged to a low-income household and had no family members willing or able to arrange the money. WAFI intervened by approaching the Lok Adalat and coordinating with the jail authorities to secure his release.

2. **Gaya (Age: 24):** Booked under IPC 411, Gaya had already spent over a year in jail when WAFI found his case. Although his offence was bailable, Gaya lacked financial resources and legal support. His family lived in a distant rural area and could not afford travel or surety. After legal assistance and family coordination through WAFI, Gaya was released on bail.

3. **Malik (Age: 20):** Malik was a first-time offender arrested under IPC Sections 411 and 414. His family initially refused to assist with bail, believing that jail would teach him a lesson. WAFI initiated family counselling and helped them understand the long-term psychological and legal consequences of incarceration. Following multiple conversations, the family agreed to support Malik's release.

4. **Babli (Age: 36):** Babli, a mother of three, was booked under IPC Sections 363, 366, and 506, and charged under the POCSO Act. She had no legal representation when WAFI met her. Her family, fearing social backlash, had completely cut ties with her. WAFI coordinated with the DLSA and provided legal counsel. Eventually, her bail was approved, and a paralegal volunteer was assigned to assist her.

5. **Sonu (Age: 20):** Sonu was booked under IPC Sections 380, 411, and 452. He belonged to a labourer family and had no prior criminal record. His legal aid lawyer was rarely present during hearings, and Sonu was unaware of his case status. WAFI intervened, filed a fresh bail application, and secured his release through Lok Adalat proceedings.

6. **Annu (Age: 38):** Annu was booked under IPC Sections 302 and 454. She had no access to a lawyer and had been in jail for several months without proper legal guidance. Her husband had abandoned her, and her natal family refused to get involved. WAFI provided her with legal representation and emotional counselling.

7. **X (Age: 12 years, 11 months):** X was mistakenly placed in an adult jail despite being under 13 years old male. Arrested under Sections 380, 398, 411, and 457, his case was complicated by the absence of proper age verification. WAFI raised the issue with the authorities and successfully facilitated his transfer to a juvenile home.

8. **Daya (Age: 38):** Daya was arrested under Sections 420, 467, 468, 471, and 384 of the IPC in a case involving document forgery. She was unaware of the legal process and had no family visitors during her detention. WAFI arranged legal assistance and provided basic counselling support. After several months, she was granted bail and reunited with her family.

9. **Sallu (Age: 20):** Sallu was booked under multiple IPC sections, including 411, 427, 380, 382, and 458. His family disapproved of his actions and refused to attend court hearings or file bail applications. WAFI engaged in family mediation and began the bail process, but his release was still pending at the time of data collection.

10. **Banu (Age: 37):** Banu was arrested under Sections 323, 324, 504, 302, and 341. Her case involved domestic violence and a murder charge. Stigma from the community and within her family led to complete social isolation. WAFI provided legal support and maintained periodic visits to offer emotional

reassurance. Her bail was granted after nearly a year of detention.

11. **Morris (Age: 19):** Morris was booked under Sections 379 and 411 of theft. He had no legal representation and had been awaiting trial for over eight months. WAFI brought his case to the attention of the Lok Adalat, and with administrative coordination, Morris was released.

12. **Pappu (Age: 19):** Pappu was booked with petty theft under IPC 379 and 411. He belonged to a financially weak household and lacked any legal knowledge. His parents were daily wage labourers and could not assist him legally. WAFI stepped in, coordinated with legal aid officials, and helped him secure bail through an expedited hearing.

Theoretical Framework

This study is grounded in an interdisciplinary theoretical framework that synthesizes insights from critical legal studies, structural violence theory, and labelling theory to analyze the socio-legal condition of undertrial prisoners in India. These theoretical strands collectively enable a nuanced understanding of detention not merely as a legal status but as a socially constructed and politically maintained process shaped by systemic inequality.

Critical Legal Studies: Critical Legal Studies (CLS) challenges the assumption that law is a neutral and objective system, arguing instead that legal outcomes often reflect and reinforce existing power structures (Baxi, 2017). Within the Indian context, CLS is particularly relevant for understanding how the legal system disproportionately penalizes the poor and marginalized, including Dalits, Muslims, and Adivasis, who constitute a majority of the undertrial population. CLS views law as embedded within class, caste, and institutional hierarchies. This perspective allows us to interrogate why procedural guarantees such as bail, presumption of innocence, and legal aid often fail to translate into real protections for undertrials (McBarnet, 1981) [12]. Applying CLS to the Indian prison system reveals how judicial delay, discretionary policing, and inaccessible bail mechanisms function less as isolated technical lapses and more as systemic features that perpetuate socio-economic exclusion (Sharma, 2020; Chahal, 2024) [4, 15].

Structural Violence Theory: Coined by Johan Galtung, structural violence refers to social structures—economic, legal, political, and cultural—that prevent individuals from meeting their basic needs and realizing their rights (Farmer, 2004) [5]. In the context of undertrial prisoners, structural violence manifests through poverty, lack of access to legal information, denial of legal aid, and stigmatization by both family and society.

This framework is particularly effective for analyzing how routine legal procedures, such as the requirement of surety for bail, inflict long-term harm on the poor, even in the absence of direct physical coercion. The WAFI programme's field data illustrate this vividly. Many detainees remained incarcerated not because they were legally guilty, but because they were structurally unable to meet the procedural demands of the justice system. Structural violence theory helps conceptualize such prolonged bureaucratic harm as a form of slow, normalized violence embedded in legal institutions and routines.

Labelling Theory: Rooted in symbolic interactionism, labelling theory posits that individuals become "criminals" not merely through their actions, but through the social reactions to those actions (Becker, 1963) [2]. Once labelled as offenders, individuals internalize that identity, and society reinforces it through exclusion and marginalization. In the Indian carceral context, stigma plays a central role in sustaining the punishment of undertrials, even after bail or acquittal. Family members often sever ties, communities ostracize former prisoners, and the label of "criminal" continues to shadow individuals in employment, marriage, and social acceptance.

The WAFI cases demonstrate how stigma operates as an invisible extension of legal punishment. Malik's and Babli's cases, among others, show that the absence of familial support, even when legal remedies are available, further entrenches the detainee's vulnerability and prolongs their incarceration. Labelling theory thus helps explain why legal outcomes alone are insufficient to ensure justice and reintegration.

Integrated Socio-Legal Approach: While each of these theories offers unique insights, the study employs an integrated socio-legal approach that links law's formal structures to its lived experience. It examines how legal frameworks, such as the Legal Services Authorities Act, 1987, and the Criminal Procedure Code, intersect with social factors like caste, gender, class, and family dynamics. This integration allows the researcher to view undertrial detention as a site of intersecting disadvantages—legal, economic, and social—rather than as an isolated legal problem.

Such a framework is essential for bridging the gap between jurisprudential ideals and the real-world experiences of prisoners, particularly those from marginalized groups. It also aligns with contemporary calls within legal and sociological scholarship to humanize the carceral subject and center questions of equity and dignity in legal reform (McCulloch, 2005; Logan, 2018) [11, 13].

Research Gap

Existing literature on undertrial prisoners in India has highlighted systemic delays, overcrowding, and procedural lapses within the criminal justice system (Bhatia, 2017; Sharma, 2020; Chahal, 2024) [4, 15]. While several studies have explored the legal inadequacies faced by detainees, fewer have analyzed the socio-economic and emotional dimensions—such as poverty, family abandonment, and social stigma—that compound the experience of incarceration. Even fewer studies have offered an integrated socio-legal analysis using primary field data from within prison settings. Moreover, the role of civil society and community-led social work programmes in mediating justice outcomes for undertrials remains under-theorized and empirically under-researched. Most legal scholarship continues to treat imprisonment as a legal or procedural issue, rather than as a site where structural inequality, legal exclusion, and social marginalization intersect (McCulloch, 2005; Logan 2018) [11, 13]. This study addresses this gap by combining legal critique with grounded qualitative research from the WAFI programme, thereby offering an original

contribution to both socio-legal scholarship and prison reform literature in India.

Research Framework

This study adopts an interdisciplinary socio-legal framework to examine the dynamics of undertrial detention in India. It recognizes detention not merely as a legal consequence of criminal accusation but as a sociological condition shaped by intersecting factors of poverty, stigma, and systemic exclusion. The research is anchored in critical legal studies and structural inequality theory, which question the neutrality of law and highlight how institutional arrangements often reproduce class- and caste-based disadvantages (Baxi, 2017; Logan, 2018) [11].

Drawing from empirical insights generated through the Welfare Actions for Incarcerated (WAFI) programme in Aligarh, the research emphasizes the lived experiences of undertrial prisoners whose trajectories are shaped by socio-economic vulnerabilities rather than judicial findings alone. The framework blends qualitative methods and field engagement with theoretical understandings of carceral structures to offer a holistic analysis of detention as both a legal status and a socially constructed reality (McCulloch, 2005) [13]. The research also builds upon the conceptual triad of access to justice, legal empowerment, and social support, aiming to explore how non-state interventions, such as NGOs and outreach programs, can act as critical mediators between incarcerated individuals and the legal system. By integrating these strands, the study positions itself within a growing body of scholarship that challenges the individualist, offense-based logic of incarceration and calls for a rights-based, reform-oriented approach to undertrial justice in India.

Research Objectives

1. To examine the role of poverty in shaping the legal experiences and incarceration patterns of undertrial prisoners in India.
2. To explore how social stigma, particularly familial and community-level rejection, intensifies the punitive experience of detention.
3. To critically assess the accessibility and effectiveness of legal aid mechanisms available to undertrial prisoners.
4. To evaluate the potential of community-led socio-legal interventions, such as WAFI, in bridging structural gaps in the criminal justice system.
5. To provide policy-oriented recommendations for reducing unnecessary detention and promoting a more equitable, reformative justice system.

Findings

Based on the qualitative data collected through the WAFI programme in Aligarh District Jail, five key themes emerged that explain how poverty, stigma, and legal inadequacies contribute to prolonged and unjust undertrial detention

Financial Inability to Secure Bail: A recurring pattern among participants was their inability to furnish bail bonds or surety amounts, even in bailable offences. For instance, Rocky, a 19-year-old detainee, remained incarcerated despite a bail order because he could not pay a three-thousand-rupee penalty. Similarly, Gaya was granted bail under IPC Section 411 but lacked the financial means or community connections to secure a guarantor. The economic cost of freedom, ironically, ensured their continued detention.

Lack of Legal Literacy and Representation: Many undertrial prisoners were unaware of their legal status, rights, or the charges against them. Several cases revealed that court-appointed legal aid lawyers were absent or failed to communicate case progress. In Babli's case, legal aid only became effective after WAFI's direct intervention. Legal literacy was alarmingly low, especially among women and first-time offenders.

Stigma and Familial Abandonment: Stigma was a significant barrier to justice. Families often refused to support bail applications out of shame or moral judgment. Malik's family viewed his incarceration as a form of necessary punishment and initially refused to engage with any legal aid efforts. Female prisoners such as Banu and Annu experienced deeper levels of abandonment, highlighting the gendered nature of carceral stigma.

Disproportionate Impact on Juveniles and Vulnerable Groups: The case of X, a twelve-year-old boy detained under multiple IPC sections, reveals a major procedural lapse. Despite legal provisions under the Juvenile Justice Act (2015), he was detained with adults and only transferred to a juvenile home after months. The system failed to recognize or rectify this misplacement until external intervention occurred.

The Role of Community-Led Interventions in Bridging Gaps: WAFI's interventions played a critical role in securing bail, facilitating Lok Adalat hearings, and reconnecting detainees with their families. In at least twelve out of twenty documented cases, freedom was achieved through WAFI-led legal counselling and follow-up. However, the programme's success also highlighted the absence of state accountability in performing these basic legal functions.

Discussion

The findings strongly affirm that poverty, stigma, and legal neglect function as mutually reinforcing structures that shape the experience of undertrial prisoners. These results can be critically interpreted through the lens of the study's theoretical framework.

The concept of structural violence (Farmer, 2004) [5] is particularly relevant. The fact that prisoners remain incarcerated due to an inability to pay minimal fines or secure surety points to a system where justice is materially inaccessible for the poor. As noted by Bhatia (2017), this form of invisible coercion is deeply embedded in India's bail and pre-trial procedures, turning liberty into a privilege rather than a right.

The critical legal studies perspective (Baxi, 2017; McBarnet, 1981) [12] further explains how the law, though formally equal, operates unequally in practice. Legal aid exists in name but is structurally underfunded and poorly implemented, as seen in cases like Sonu and Daya, where timely legal representation was absent. The poor face both the wrath of the state and the indifference of its institutions.

Labelling theory (Becker, 1963) [2] helps us understand the extended punishment experienced by undertrials through

stigma. Malik's and Annu's cases show how, once labelled as "criminal," individuals face rejection from their families and communities regardless of trial outcomes. Women, in particular, bear the burden of reputational harm more acutely, reinforcing gendered social control (Logan, 2018) [11].

Finally, WAFI's success in securing bail for multiple prisoners validates the importance of socio-legal and community-led interventions in carceral settings. As McCulloch (2005) [13] and Sharma (2020) [15] argue, justice systems must include not only legal reforms but also support structures that recognize the social realities of the incarcerated. Thus, the findings demonstrate that undertrial detention is not simply a matter of slow legal process but a complex intersection of economic exclusion, legal abandonment, and social ostracization, requiring a systemic response.

Conclusion

This study has demonstrated that undertrial detention in India is shaped by more than just legal procedure; it is fundamentally entangled with poverty, stigma, and systemic neglect. The analysis of twenty cases from the WAFI programme revealed that financial incapacity, lack of legal knowledge, social rejection, and procedural lapses collectively trap individuals in cycles of incarceration. Despite constitutional and statutory guarantees, access to justice remains elusive for the poor. The inability to pay for bail, the absence of effective legal aid, and abandonment by families illustrate how the criminal justice system disproportionately penalizes the already marginalized. Moreover, stigma operates as an unspoken extension of the sentence, punishing prisoners emotionally and socially even after bail or acquittal.

The intervention by WAFI reveals that community-based legal and social support can significantly improve legal outcomes. However, such interventions should not be substitutes for institutional reform. A structural shift is needed, one that addresses the socio-legal dimensions of incarceration and reorients the criminal justice system toward equity, dignity, and rehabilitation.

Policy Suggestions and Recommendations

Decriminalize poverty in bail decisions: Bail procedures should be revisited to eliminate mandatory financial sureties for non-serious offences. Courts must assess release based on risk, rather than an individual's ability to pay.

Strengthen legal aid systems: The Legal Services Authorities Act must be operationalized with increased funding, enhanced accountability, and a dedicated team of legal staff. District Legal Services Authorities must publish public performance reports.

Institutionalize prison-based social work: Every district jail should be assigned certified social workers responsible for counselling, legal assistance, and family mediation, modeled on the WAFI approach.

Sensitize families and communities: The government and civil society should collaborate on stigma-reduction campaigns aimed at promoting reintegration and restorative justice.

Enforce child-sensitive legal mechanisms: Strict implementation of juvenile justice laws is necessary. Prison officers should be trained to identify and redirect minors immediately.

Integrate Lok Adalat and fast-track hearings: Lok Adalats should be held regularly within jails, with community-led participation, to clear pending minor cases and reduce overcrowding.

References

1. AS Neha. Undertrial Prisoners in India: Detention of the Presumed "Innocent". Int'l JL Mgmt. & Human,2024:7(2):1217.
2. Becker HS. Outsiders: Studies in the sociology of deviance. Free Press, 1963.
3. Baxi U. The crisis of the Indian legal system: Alternatives in development, law, and justice. Vikas Publishing, 1982.
4. Chahal PS. Legal Aid in India: Enhancing Access to Justice for All. International Journal For Multidisciplinary Research, 2024.
5. Farmer P. Pathologies of power: Health, human rights, and the new war on the poor. University of California Press, 2004.
6. Government of India. The Constitution of India. Ministry of Law and Justice, 1950.
7. Government of India. Juvenile Justice (Care and Protection of Children) Act, 2015. Ministry of Women and Child Development, 2015.
8. Government of India. Legal Services Authorities Act, 1987. National Legal Services Authority, 1987.
9. Government of India. Indian Penal Code, 1860. Ministry of Law and Justice, 1860.
10. Kumar R. Juvenile justice and the protection of rights of children in conflict with law: A critical study. International Journal of Criminal Justice Sciences,2018:13(2):245–259.
11. Logan A. The politics of penal reform. Routledge, 2018.
12. McBarnet D. Conviction: The law, the state and the construction of justice. Macmillan, 1981.
13. McCulloch J. Women inside: Prisoners and the criminal justice system. Australian Scholarly Publishing, 2005.
14. National Crime Records Bureau. Prison Statistics India 2023. Ministry of Home Affairs, 2023.
15. Sharma A. Lok Adalats: Enhancing access to justice for marginalized communities. Indian Journal of Law and Justice,2020:11(2):89–105.