

The "Civil Death" of Undertrials: Socio-Economic Stigmatization and Reintegration Challenges

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Abstract: The term civil death is traditionally used to mean the deprivation of a legal identity and civil rights of an individual. In modern criminal justice discussions, however, it has taken on a different meaning to indicate the social, economic and psychological marginalization of people who, although they still have their legal rights, are in fact marginalized and excluded in participating meaningfully in society. It is especially applicable to undetermined prisoners, who are not yet guilty under the rule of innocent till proven guilty but are often subjected to punitive action way before any court has made a judgment as to guilt. Long term pre-trial detention, delay in the course of justice, and unequal access to bail frequently expose undertrials in India to serious socio-economic consequences, such as loss of livelihoods, family disturbances, educational interruptions, social stigmatisation, psychological trauma and long-term poverty. These effects are not confined to imprisonment and they pose great obstacles even after setting of the acquittal or release. This paper discusses the concept of civil death as faced by undertrial detainees, the aims of the discussion being to assess the socio-economic aspects of pre-trial imprisonment, the difficulty of reintegrating into the community, and the sufficiency of legal and institutional protections. The research methodology embraced by the study is doctrinal and qualitative, utilizing the provisions of the constitution, court rulings, legislative provisions, government documents, prison data, and the literature to evaluate the interaction between criminal justice and human rights as well as social exclusion.

Keywords: Civil Death, Criminal Justice, Social Stigma, Reintegration, Human Rights, etc.

Introduction

The criminal justice system is based on the most fundamental principles of justice, equality, due process and safeguarding of individual liberties. The presumption of innocence is one of its most important protections that state that all individuals charged with a crime should be regarded innocent until proven guilty by a reputable court of law. It is a fundamental feature of democratic legal orders and is manifested in the constitutional protection of life and personal liberty in Article 21 of the Constitution of India, and in the international human rights documents of Article 11 of the Universal Declaration of Human Rights and Article 14 of the International Covenant on Civil and Political Rights (Priyadarshini & Durge, 2017). Regardless of such legal safeguards, the workings of the criminal justice system tend to expose accused individuals to punitive effects prior to the determination of guilt.

An undertrial prisoner is one who is arrested and is in judicial custody awaiting investigation, trial, or the ultimate disposition of criminal charges. Undertrials are not guilty of any offence by a court of law as opposed to the convicted prisoners. However, they are often kept in prison longer, because there are structural flaws in the justice delivery system. One of the highest populations of undertrial prisoners are in India where a large majority of the prison population is under trial (Tyler, 2006). This scenario can be explained by the slowness of police investigations, bureaucratic inefficiencies, a vast number of cases pending, lack of judicial staff, and institutional deficiency (Priyadarshini & Durge, 2017). This issue is also exacerbated by the fact that there is no equal access to bail, and therefore those who are disadvantaged economically are left in custody merely because of the inability to provide bail bonds or hire quality legal representation (Petersilia, 2003). As a result, poverty and social



marginalization frequently turn out to be determinant factors in the individual freedom, and the constitutional promise of equal justice is impaired.

The impact of the long period of detention without trial goes much further than the lack of liberty. More and more researchers and human rights activists characterize such phenomenon by some sort of civil death. Traditionally, civil death was the total deprivation of the legal personality, civil rights and ability of an individual to engage in social life, which is frequently a penalty following conviction of a serious crime (Clear, 2007). However, in the modern socio-legal discourse, the term has been given a new meaning, which is the gradual annihilation of the social identity of an individual even though he or she has not been found guilty of a crime in court. Undetailed jail time tends to lead to the loss of social bonds, economic balance, and societal tolerance which leads to some kind of punishment that is independent of any court verdict of guilt (Travis, 2005). Although the unfortunate outcomes of pre-trial incarceration often continue even after an accused individual is later acquitted or released, the adverse effects are often unresolved. A lot of undertrials that had been laid off lose jobs, marriages and family ties break up, their reputations are destroyed, they drop out of school, lose their housing and their means of livelihood is shattered forever (Pager, 2003). The social stigmas related to criminal charges are usually long lasting even after the court acquits them, and thus, it becomes extremely challenging to make them fit into the society once again. All of these cumulative effects turn temporary detention into a permanent form of socio-economic marginalization that goes against the very principles of justice and human dignity.

Understanding "Civil Death"

Civil death is a notion that has changed greatly over the years of its historical development to become a valuable analytical tool of comprehending the socio-economic and psychological impacts of criminal justice practices (Goffman, 1963). Once used in reference to the legal loss of status after conviction, the term today is used by legal scholars, sociologists, and criminologists to refer to the larger types of exclusion and marginalization that people face who, though legally alive and enjoying constitutional rights, simply do not have a meaningful role in social, economic, and civic life (Braithwaite, 1989). The concept of civil death in the context of undertrial prisoners encapsulates the paradox of assumed innocence in the law and subjected to the effects of the social penalty prior to conviction (Travis, 2005). The doctrine of civil death in history began in Roman law, according to which those convicted of serious crimes or punished in any of the various ways were treated as having lost their personality under the law. These individuals were no longer able to enjoy basic civil rights, file a lawsuit, possess or bequeath property, form a valid contract or engage in the political process (Becker, 1963). The idea was a total alienation of the legal bond between the individual and the society and in effect the individual was considered as dead, although he or she was still physically living.

The doctrine gained more importance during Medieval Europe and under feudal and ecclesiastical legal systems. Conviction of serious crimes, exile, or entry into the monastery often involved civil death, leading to the loss of citizenship, right to inheritance, ownership of property and other legal privileges (Lemert, 1951). Citizens who had been civilly killed were not entitled to civic life and the recognition of the law, which supported the idea that criminal offenses were sufficient to be totally socially and legally marginalized. In spite of the fact that the contemporary legal systems have officially discarded this doctrine, its reasoning still affects the social implications of criminal justice engagement (Petersilia, 2003). The concept of civil death in contemporary socio-legal literature has come to be more inclusive of the deprivation of legal rights on a formal basis. Modern theorists use the term to explain the mechanisms of social marginalization, stigmatization, and invisibility that follow criminal allegation, arrest and imprisonment (Maruna, 2001). Instead of being denied a legal personality, individuals are denied access to jobs, education, housing, healthcare, political representation, and social acceptance. Therefore, civil death in the modern context does not denote a legal and more so a status, but rather a condition whereby people are constitutionally entitled to exercise their right, yet they are practically denied this right due to the long-term social prejudice and institutionalization.



This contemporary concept is especially applicable to the case of undertrial prisoners, who have not been found guilty of any offence but frequently face extreme forms of social, economic and psychological deprivation. Long-term pre-trial detention often leads to the loss of jobs, defunct education, economic instability, family breakdown, broken social connections, and low reputation in the society (Western, 2006). Reduced chances of rehabilitation, discrimination and suspicion even after acquittal or release are some effects on the former undertrials, producing a long-term type of social death. At the same time, the impossibility to get a stable job or to restore livelihoods leads to economic death, and long-term uncertainty, imprisonment, and stigma of the population in society cause psychological death, manifested in anxiety, depression, low self-esteem, and isolation.

This phenomenon can be explained by a number of theoretical perspectives. The Labeling Theory is a theory developed by scholars like Howard Becker, who contend that even when the label of criminal has been removed by a court of law, the social labeling of criminality becomes a characteristic part of their identity, and thus they are still discriminated against (Muncie, 2010). Social Exclusion Theory describes how employment, education, housing and social participation are systematically barred by institutional and community processes, which maintain inequality (Siersbaek et al., 2023). Structural Violence, a notion attributed to Johan Galtung, is used to emphasize the effects of systemic inequalities, such as poverty, delayed justice, unequal access to an attorney, and discriminatory bail policies, which cause harm but do not involve any physical violence (Galtung, 1969). Lastly, the principle of Procedural Justice highlights that the legitimacy of the criminal justice system is not only based on the legal results but also on justice, transparent, and timely processes that uphold individual dignity and enhance social trust in the rule of law (Uggen et al., 2004). Combined, these theoretical approaches offer an in-depth conceptualization of how undertrial detention may cause a kind of civil death that spans much further than behind the prison gates.

Undertrial Prisoners in India

Undertrial crisis in India is one of the most burning issues facing the criminal justice in India. Although it is guaranteed by the constitution that all individuals are entitled to their personal freedom and that all the accused are innocent until proven guilty, a significant percentage of the American population in the prisons is not serving their imprisonment after being convicted but is awaiting investigation or trial. Prison Statistics India 2023, according to National Crime Records Bureau (NCRB), indicate that there were more than 5.7 lakh prisoners in Indian prisons with a population of about 75-76 per cent of inmates being under trial (NCRB, 2023). This implies that out of every four inmates behind the bars, almost three have not been found guilty of the crimes that they are serving. These numbers underline inherent inefficiencies of the criminal justice process and they sound a major alarm about constitutional rights, procedural fairness and human dignity.

A. Delay in Investigation.

Delay in criminal investigations is also one of the main reasons of long undertrial detention. India is still plagued with great personnel deficits in comparison to population, which has led to overworking and ultimately, ineffective investigations (Garland, 2001). The number of cases that the investigating officers handle is usually large, and as such, there is not much time that they can devote to gathering evidence, interrogating witnesses, and drafting a charge-sheet. Moreover, poor forensic infrastructures, lack of trained forensic specialists, and delays in getting laboratory results also extend the investigations (Liebling & Maruna, 2013). These administrative delays have a direct impact on the length of time that accused individuals spend in judicial custody since courts often do not commence trials until the investigation is finished.

B. Judicial Delay

Another significant issue that has contributed to the increasing number of undertrial population in India is judicial delay. The Indian courts are only grappling with huge number of pending criminal cases most of which are yet to be resolved after several years. Repeat adjournments requested by the prosecution or the defence counsel, the



intricacies of the procedure, the time lag in the witness examination, and the constant delays contribute greatly to the length of criminal proceedings (Cavadino & Dignan, 2006). Moreover, the judicial system is affected by the constant lack of judges both at the lower court and higher court levels, which decreases the effectiveness with which the system clears cases. The net result is that several prisoners who are undetermined are languishing in prison months or even years before their guilt or innocence is established through a court of law thus, compromising the constitutional right to a speedy trial as accepted by the Supreme Court of India.

C. Poverty and Economic Disadvantage.

The most decisive factor which may affect undertrial detention in India is perhaps economic inequality. A big percentage of the undertrial inmates are those who are economically disadvantaged in the society and are unable to afford a good lawyer representation (Gelsthorpe & Morgan, 2007). A large number cannot afford to work with private attorneys and have to rely on legal aid systems that are overstretched and, in many cases, lack resources. Courts that provide bail often release accused individuals on bail, yet due to lack of money, financial underprivileged individuals often end up serving their terms in custody since they are unable to provide bail bonds and secure sureties or meet the financial obligations posed in connection with their release (Brand, 2016). As a result, frequently, lack of freedom turns into the result of poverty and not the criminal responsibility, which goes against the constitutional value of an equal right to justice.

D. Overrepresentation of Marginalized Communities

The stratification of the population of undergoing trials in India shows that there is a great deal of social inequality. Prison statistics constantly show the inordinate representation of the people who belong to Scheduled Castes (SCs), Scheduled Tribes (STs), Muslims, migrant workers and other economically disadvantaged communities. Such communities often face various types of structural disadvantage, such as diminished educational levels, unstable work, poor knowledge of legal rights and insufficient access to legal advice. The migrant workers are especially vulnerable to other problems, which can be caused by the lack of permanent accommodation, identity, or local social networks that can secure a bail or offer legal assistance (Ramanathan, 2021). These structural inequalities help to increase the length of incarceration and condense the existing social exclusion patterns.

E. Bail: Bail Not Jail versus Reality

The Indian constitutional jurisprudence has continuously promoted the doctrine of "bail, not jail" where personal liberty is considered as the rule, and pre-trial detention is the exception. The Supreme Court has consistently stated that bail ought to be granted unless there is a great likelihood of absconding, intimidation of witnesses or disruption of the law. As a matter of fact, however, the application of this principle is patchy. The decision to grant bails is usually based on the type of offence, the discretion of the judges, the delays witnessed during the proceedings and the financial ability of the accused individual to meet the bail terms (Priyadarshini & Durge, 2017). High surety deposits, slowness in handling bail requests and inconsistent judicial practices often lead to an individual remaining in prison although they would have been released. As a result of this, the difference between the ideals of constitutionality and the reality of day-to-day judicial operations is a significant factor in the growth of the undertrial population in India. Combined with investigation delays, judicial ineffectiveness, poverty, structural imbalances, and bail variances produce a criminal justice system in which thousands of innocent people who should be freed are kept in jail over extended periods of time (Brand, 2016). The problem of the undertrial crisis is not just a question of overcrowded prisons but the reflection of the problems of more fundamental institutional failures that discredit constitutional ideals, human dignity, and the efficient operation of justice.

Socio-Economic Stigmatization of Undertrial Prisoners

Even though the undertrial prisoners are legally assumed to be innocent until proven guilty, their imprisonment, in many cases, comes with repercussions that are similar to those of convicted criminals. Pre-trial jailing goes



beyond the loss of personal freedom and has far-reaching socio-economic effects that are felt even after release or acquittal (Hattery & Smith, 2010). Even the simple connection with criminal processes often leads to social labeling, institutional discrimination, and permanent rejection of economic and community life. In turn, the undertrial detention can be a source of certain kind of civil death, when the subjects can observe the progressive loss of their social identity, financial stability, and mental health even though the court does not find them guilty.

Employment Loss

The loss of employment is one of the most devastating effects of undertrial detention that happens to be one of the earliest effects. People who are arrested and kept long before the arrest are usually not able to report to work and thus are dismissed or thrown out of service. In the case of daily wage workers, who make up a significant percentage of the economically vulnerable population in India, even a couple of days in jail means loss of income. Their means of living require them to work on a daily basis, thus during long term detention, whole families are often rendered jobless (Grounds, 2005). The effect is also dire on government workers; most of whom are suspended until criminal charges are filed against them according to service regulations. Suspension is not dismissal, but long investigations and trials can lead to a lack of career advancement, promotions, and salary growth. In cases where the employees were later acquitted their careers as professionals may have been ruined permanently due to disruption of their career. The employees in the private sector are even more uncertain. Criminal allegations are enough reason to fire workers by many employers who fear a dent in their reputation or operational risks (Livingston et al., 2018). After release, former undertrials often face discrimination when seeking jobs, with employers often undertaking police checks or asking about any criminal records. Social stigma of being arrested usually takes precedence over the fact of acquittal in the legal sense, and secure employment is hard to find. Accordingly, under trial imprisonment largely diminishes the future employability, strengthens poverty, and enhances economic marginalization.

Family Disintegration

The imprisonment of an undertrial inmate often upsets the family system and causes emotional, social, and financial difficulties to dependents. The unexpected loss of a breadwinner can usually interfere with the normal operation of the household and necessitate unexpected burden to spouses, elderly parents, or children. In most instances, the long periods of detention are a cause of marital rift, break-up or divorce especially in situations where the social stigma and financial insecurity escalate the domestic strains (Woodall et al., 2013). Under-detention is one of the most vulnerable victims of children. Lack of money often forces families to drop children out of school to cut on the costs of education or promote child labour to boost family earnings. Lack of parental guidance can also lead to a higher level of emotional distress, behavioural problems and poor educational performance. In cases where both the parents get involved in criminal cases, children are likely to be denied the opportunity to have good guardians and be forced to stay with their long families or go to the institutional care homes (Johns, 2017). Therefore, the impact of undertrial detention is not only towards the accused person but also on the family as a whole and leads to intergenerational disadvantage.

Educational Exclusion

The educational growth of the students held as undertrials is immensely affected. Long prison terms cause one to miss school, college and university, in most cases leading to examinations being missed, courses being dropped or the academic enrolment being terminated. Schools can impose a suspension on students who have criminal charges, regardless of whether or not they have been proven guilty, thus further supporting the presumption that they had committed the offense, as opposed to being innocent (Graffam et al., 2004). Economic strains caused by detention can also lead to the loss of scholarships, educational loans or other forms of educational support. Most of the students find it difficult to go back to school after release because of administrative hurdles, social stigma, and reduced financial capacity. The disruption of education has markedly significant implications on career and



professional growth and the socio-economic mobility in the long-term, thus continuing to generate the effects of detention far beyond the time of imprisonment.

Social Ostracism

One of the longest-lasting effects of undertrial detention is social stigma. Arrest alone is seen as a sign of criminality in most of the communities, irrespective of what will happen at the end of the legal process. Neighbours can isolate the family of the accused individual, and family members tend to avoid socializing with them to avoid a perceived tarnished reputation. These reactions are some of the causes of social isolation and erosion of traditional support systems at a time when they are most needed (Chui & Cheng, 2013). It has been most impactful on marriage opportunities, particularly in societies where family status is a key determinant in marriages. Another issue that is often encountered by individuals who have endured undertrial detention is rejection even after acquittal, and even the family members might experience social discrimination due to their association with the accused person. Local institutions, social networks, and community organizations can also commit further marginalization of former undertrials by others and limit the chances of successful reintegration.

Economic Impoverishment

The financial impact of undertrial detention can be years of negative effect even after it has ended. The short-term loss of jobs denies the families of their regular income and the long-term litigation is costly in terms of payment of attorney fees, travel costs, court appearances and other costs associated with the litigation (Condry, 2007). Families also use their own money and borrow at high rates of interest through informal lenders to finance legal defence. In other cases, families are forced to sell farmlands, animals, jewellery or other productive resources in order to pay legal fees or in order to replace the lost income. This type of distress sales permanently decreases household wealth and economic strength (Kupers, 2008). The high level of debt accumulation, which is accompanied by reduced chances of employment after release, keeps a large number of former undertrials in a poverty trap that is hard to leave. Therefore, the pre-trial detention is likely to lead to a loop of economic marginalization moving forward, which is harder to recuperate, especially among socially marginalized groups.

Psychological Consequences

The psychological consequences of protracted under trial detention are immense and are often underestimated in the criminal justice context. Lack of information on whether the criminal process will proceed or not, extended family separation, prison overcrowding and social stigma are some of the sources of depression, anxiety and emotional distress (Davis et al., 2013). A large number of undertrials are characterized by chronic stress due to fear of conviction, financial insecurity, and worry about their families. Prolonged imprisonment can also lead to some symptoms of post-traumatic stress disorder (PTSD), especially in those who have seen prison violence, or have been humiliated or been treated degradingly (Reidpath et al., 2005). The social stigma of criminal charges tends to create an identity crisis, with the people developing a sense of shame, worthlessness and social rejection even though no conviction has occurred. Unemployment and community rejection following release also contribute to these psychological pressures.

Extended detention and social isolation in extreme situations poses a risk of ideation towards suicide and self-harm, especially in persons with no proper legal, family, or psychological support. The sense of hopelessness is particularly sharp when the feelings of undertrials are that the justice system did not acknowledge their innocence or deliver justice on time (Crewe, 2011). The overall psychological effects do not only decrease the individual well-being but also the successful integration back into the society, strengthening the wider civil death phenomenon. In general, socio-economic stigmatization of undertrial prisoners proves that the effects of pre-trial detention are a lot more than the imprisonment (Burton et al., 2021). Loss of jobs, dissolution of families, interference with education, social alienation, economic poverty, and mental trauma make legal accusation a holistic exercise of marginalization. These interrelated harms question the constitutional presumption of innocence



and highlights the high necessity of reforms that would defend the dignity, livelihood, and social reintegration of people that, however, were not convicted of any offence.

Reintegration Challenges After Release

Closure of criminal cases by acquittal, discharge, posting of bail, or release under judicial custody, is not always sufficient to re-establish the status of an undertrial prisoner in society (Fox, 2014). Although the legal procedure can officially acknowledge the right of the individual to freedom or prove the non-existence of criminal responsibility, the social implications of imprisonment are often long-lasting and lasting. Institutional barriers, social stigma, economic insecurity and psychological distress are likely to impede re-entry into the society (Travis, 2005). As a result, the consequences of such civil death remain evident today with numerous ex-undertrials still feeling the burden of their legal freedom not being reflected in social approval or economic reintegration. Such issues of reintegration are thus one of the least considered aspects of the criminal justice system in India.

Employment Reintegration

The biggest challenge that is facing the former undertrial prisoners is securing employment. Even though a lot of people are found not guilty or released without a conviction of guilt, employers are often unwilling to hire someone who has been arrested or detained before. Contemporary recruitment methods tend to entail background checks, where the employer can find out a pending or registered criminal case despite how it may conclude. Thirupathi and Kanamadi (2024) Presence of an arrest record in itself might be understood as a sign of unreliability or criminal orientation (Kazemian & Travis, 2015). Police verification has taken the form of a significant part of recruitment in many occupations in the public and private sectors. The administrative records can still echo the previous arrests after the legal proceedings end in favour of the accused, which is an unnecessary hindrance to job opportunities. The fact that many employers are opposed to making a difference between an untried prisoner and a convicted offender is a threat to the constitutional presumption of innocence. This loss of employer confidence will frequently push ex-undertrials into informal, insecure or poorly paid jobs, limiting their financial mobility and making them more financially vulnerable.

Housing and Residential Insecurity

Another major obstacle after release is access to safe and stable housing. Residential accommodation is often denied to former prisoners or people who have been involved in criminal cases by the landlords. The fear of being visited by the police, issues about the safety in the neighbourhood and social prejudice are the causes of wide spread rental discrimination against former undertrials (Lai et al., 2016). A lot of the released people are thus forced to migrate to find jobs and places where they do not know about their past legal past. Others go back to communities where they are faced by hostility where they are forced to move out even when they have little funds (Baillargeon et al., 2010). In the worst, a long-term unemployment and lack of family acceptance leads homelessness, which exposes past undertrials to even greater economic and social vulnerabilities. Also, residential instability cuts the accessibility to employment, education, health services, and government welfare programs among others, which hinders successful reintegration.

Community Acceptance and Social Stigma.

It is foundational in the application of acceptance by family, neighbours as well as the rest of the community in the re-integration. Nevertheless, even after release, former untried prisoners are often met with ongoing social stigma despite acquittal or release. The general view of the world tends to confuse arrest with conviction without taking into consideration the legal difference between accusation and conviction. As a result, people are still regarded with suspicion even after being exonerated by the court (Lauber & Rössler, 2007). The reputation, gained in the course of criminal proceedings, can be lost forever, especially in a tightly-knit community where the reputation of a person has a significant impact on social interactions. Ex-undertrials might not be allowed to join



communal groups, religious affairs, local leadership, and social events (Koschorke et al., 2014). It can also have a negative influence on marriage opportunities since there is an issue of reputation of the family. Subagyo et al. (2024) This permanent labeling reinforces social isolation and establishes a lasting mistrust among the individual and the society, thus continuing the phenomenon of civil death.

Family Reintegration

The process of restoring family relationships once released is usually an emotionally complicated task. Children (and particularly younger children) can become afraid or confused about the returning parent due to long separation or exposure to negative social scripts of the arrest. In other instances, separation or divorce of marriage takes place during the detention and released people are left without any emotional or financial support. Although families stay intact, it takes time and social support to rebuild trust, communication and emotional connections (Green et al., 2005). Reintegration into the family life might not be complete without counselling or family-based rehabilitation programmes.

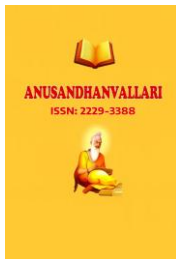
Mental Health Challenges

The psychological impact of undertrial detention mostly persists long after release. Past undertrials can get institutional trauma due to their long time in prison, overcrowded prison, and lack of knowledge on the legal consequences as well as exposure to a degrading or stressful environment. Even when they have freedom back, many experience anxiety, depression, insomnia and emotional instability (Daly & Silver, 2008). The recurrent feelings of rejection during employment, housing and community life also lead to low self-esteem and lack of confidence. Ex-undertrials often acquire a long-term fear of police officers, perceiving that their next contact with law enforcement will lead to arbitrary suspicion or harassment once again. Individuals, who are representatives of socially marginalized groups, might feel particularly exposed to recurrent criminal charges. All these accumulated experiences add up to feelings of insecurity, alienation, and social withdrawal, which complicate psychological recovery especially without professional mental health support.

Recidivism and the Danger of Recidivism

Among the worst impacts of ineffective reintegration is the threat of recidivization. The difference between criminal behaviour and repeat criminalization needs to be made. Former undertrials do not necessarily have a higher propensity to commit offences, but instead, the long-term social exclusion, unemployment, homelessness, and stigma can result in a more vulnerable state in future criminal justice system engagement. According to criminological theories, the lack of legitimate opportunities to work, education, housing, and social acceptance may result in frustration, social isolation, and economic desperation among individuals in case it is systematically denied. These structural deficiencies may predispose to the development of connection to criminal networks or survival-related criminal act (Van Ness et al., 2022). In addition, police agencies can also subject people who have been previously arrested to a level of suspicion and surveillance that surpasses that of the general population, and this is likely to lead to further arrests regardless of their participation in crimes. This cycle increases institutional mistrust and continues the marginalization process that the initial undertrial detention has started (Van Ness et al., 2022). Proper reintegration thus should not be limited to release on physical custody. It requires combined efforts in the form of legal aid, job placement, housing stability, psychosocial counselling, community awareness and family recovery. In the absence of such steps, acquittal or release only puts a close to judicial custody but leaves intact the greater social, economic, and psychological effects of civil death. A human and rights-based criminal justice system should thus guarantee that those who are not found guilty of any crime are accorded significant chances to reconstruct their lives, reputation, and engage in society fully.

Constitutional and Human Rights Perspective



Long term imprisonment of the under-trial prisoners poses some serious constitutional and human rights issues especially since they have not been found guilty of any crime and are still on the presupposition of innocence. International human rights instruments, including the Indian Constitution, recognize and affirm personal liberty, equality, and human dignity as an important value that should inform the administration of criminal justice (Fox, 2014). When the duration of undertrial detention is unreasonable or leads to socio-economic marginalization, it compromises such constitutional protections and converts pre-trial detention into a kind of punishment without a conviction.

Constitutional Safeguards

A number of protections are given by the Constitution of India, which is aimed at safeguarding people against the unwarranted loss of liberty. Article 14, which ensures equality before the law and equal protection of the laws, demands that people should be treated equally and without any discrimination. Applying to the case of undertrial prisoners, Article 14 is contravened by letting poor people be kept in prison only because they cannot afford to pay bail, whereas the rich accused people are released when they have been charged with a similar offense. This results in inequality of access to justice as well as undermining the trust of the people in the fairness of the legal system (Priyadarshini & Durge, 2017). Article 21, which ensures the right to life and liberty of the person has been widely interpreted by the Supreme Court of India. The Court has always believed that the right to life does not only include physical life but also the right to live with dignity, privacy, health, livelihood and to a fair and prompt trial. These constitutional rights are directly damaged by prolonged pretrial detention and prison overcrowding, lengthy court proceedings, and socio-economic impact of imprisonment (Priyadarshini & Durge, 2017). The right to speedy trial, which is an inherent part of Article 21, aims to avoid unreasonable deprivation of liberty and guarantee that the criminal proceedings do not take unusually long.

Article 22 also offers more protection since it ensures that people are not arrested and detained without any reason. It stipulates that all individuals arrested should be made aware of the reason behind the arrest, be presented before a magistrate within twenty-four hours and given the right to seek advice and be represented by the law practitioner of their own choice. These procedural protections are meant to deter abuse of state authority and provide judicial checks and balances to the liberty of persons (Ramanathan, 2021). Nevertheless, in cases where inquiries and trials take years before being concluded, the utility of these safeguards is greatly undermined. The presumption of innocence is not mentioned in the Constitution, but as an essential part of the right to a fair trial, it is a principle of the Indian criminal jurisprudence. All suspected individuals should be treated as innocent until proven guilty beyond reasonable doubts in a due process of the law. Social stigmatization and long imprisonment of under-trial prisoners, however, tends to go against this principle as they provide punitive effects even before the court has decided on the culpability.

International Human Rights Standards

A number of international human rights instruments support the constitutional promises made by India. The Universal Declaration of Human Rights (1948) acknowledges that liberty, security of person, equality before the law, and a fair and public hearing before an independent tribunal is a right of every individual. Article 11 also states that any individual who is accused of a criminal offence is entitled to the right to be assumed innocent until proven guilty under the law (Livingston et al., 2018). The Indian Covenant on Civil and Political Rights (ICCPR), of which India is a State Party, provides a broad protection of the people against criminal prosecution. Article 9 forbids arbitrary arrest and detention and Article 14 ensures equality before the courts, presumption of innocence and the right to trial without unnecessary delay (Priyadarshini & Durge, 2017). The Covenant underlines the fact that pre-trial detention must not be the rule but an exception. The United Nations Standard Minimum Rules on the Treatment of Prisoners (Nelson Mandela Rules) also state that all prisoners, including undertrials, must be treated in a humane and respectful manner towards their innate dignity (Livingston et al., 2018). The focus of these Rules is on sufficient healthcare, human conditions, access to legal aid, communication with family



members, and safeguarding against cruel, inhuman, or degrading treatment. Despite them mainly controlling the administration in prisons, they also enforce the idea that detention must never override the basic human dignity. In the case of women undertrial prisoners, the United Nations Rules of the Treatment of Women Prisoners and Non-custodial Measures of Women offenders (Bangkok Rules) offer more protection (Livingston et al., 2018). These Rules acknowledge the particular requirements of women in custody such as access to healthcare, protection against gender-based violence, preservation of family relationships, and the fact that non-custodial options should be considered, especially in the cases of pregnant women and mothers with dependent children.

Judicial Responses in India

Indian judiciary has been transformative in defending the rights of under trial prisoners through broadening the constitutional protection of personal liberty, fair trial and access to justice. The Supreme Court of India in a long line of landmark decisions, has continually pointed out that pre-trial imprisonment must be an exception and not the rule and that extended periods of imprisonment without conviction are incompatible with constitutional ideals. With these progressive judicial interventions, there are still a lot of missing links between judicial proclamations and their application into practice that lead to the ongoing phenomenon of the civil death of undertrial prisoners.

Hussainara Khatoon v. State of Bihar (1979)

The State of Bihar v. Hussainara Khatoon (1979) case was a landmark in Indian criminal justice jurisprudence. The case revealed the suffering of thousands of under trial prisoners in Bihar that had been languishing in jail longer than the maximum term that the crimes they were accused of warranted. Having realized this serious injustice, the Supreme Court deemed that the right to speedy trial was part of the basic right to life and personal liberty guaranteed by Article 21 of the Constitution. The Court ordered the release of many undertrial prisoners and stressed that justice delayed is justice denied (Priyadarshini & Durge, 2017). This ruling changed the constitutional interpretation of individual freedom and emphasized the role of the State to provide criminal justice on time.

Moti Ram v. State of Madhya Pradesh (1978)

The Supreme Court, in Moti Ram v. State of Madhya Pradesh (1978) took a humanitarian and liberal stand on the jurisprudence of bail. Justice V.R. Krishna Iyer condemned strict and over-technical bail procedures that discriminated against the poor accused. The Court noted that financial inability should not be the new foundation of further incarceration but that the bail terms should be reasonable and in line with the socio-economic status of the accused (Priyadarshini & Durge, 2017). This ruling strengthened the Constitutional idea that poverty must never be used as a factor leading to the loss of individual freedom, thus enhancing a more fair view of pre-trial release.

Gudikanti Narasimhulu v. Public Prosecutor (1978)

Gudikanti Narasimhulu v. Public Prosecutor (1978), decision further enhanced liberal bail jurisprudence in India. The Supreme Court pointed out that all decisions concerning bail should be balanced between the interests of justice and safety of the people and the right of the individual to his/her liberty. Justice Krishna Iyer once remarked that bail is the rule and jail is the exception and this reflected the notion that pre-trial detention must not be the substitute of punishment. The Court instructed the judges to look at the nature of the offence, the likelihood of absconding, the possibility of influencing the witnesses and the social circumstances of the accused when deciding the bail applications (Priyadarshini & Durge, 2017). This ruling continues to be one of the guiding powers in the determination of bails in India.

Central Bureau of Investigation v. Satender Kumar Antil (2022)



In the case of *Satender Kumar Antil v. Central Bureau of Investigation* (2022), the Supreme Court thoroughly examined the bail practice within India and raised a major concern about the high count of the undertrial prisoners. The Court noted that frequent arrests and extended detention had played a leading role in overcrowding of prisons and were against constitutional guarantees of personal liberty. It provided comprehensive guidelines which promoted the excessive granting of bail, especially in cases which did not require arrest or investigations were already made. The ruling also classified crimes in order to be considered on bails and an order to the courts not to mechanically deprive them of liberty (Priyadarshini & Durge, 2017). The Court aimed to minimize unjustified imprisonment and enhance the effectiveness of the criminal justice system, by focusing on procedural fairness and proportionality.

Arnab Manoranjan Goswami v. State of Maharashtra (2020)

In the case of *Arnab Manoranjan Goswami v. State of Maharashtra* (2020), the Supreme Court restated the primacy of personal liberty in the framework of the constitution. Although the case presented itself in a high-profile factual situation, the Court underscored a doctrine of universal application: constitutional courts should be on guard-to-guard individual liberty against arbitrary deprivation. The Court noted that liberty plays a central role in constitutional democracy and cautioned that the inabilities of courts to secure personal liberty would violate the rule of law itself (Priyadarshini & Durge, 2017). Though not specifically related to the case of undertrial prisoners, the case affirmed the constitutional obligation of the judiciary to make sure that detention is not made punitive prior to conviction.

Conclusion

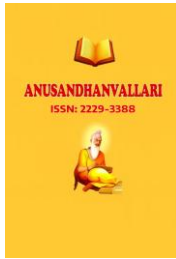
The so-called civil death of untrial prisoners is one of the most significant contradictions of the Indian criminal justice system. Though by law, the undertrial prisoners are legally innocent until proven guilty, most of them have suffered consequences that are almost similar or even worse than the punishment that is given to the convicted offenders. Long periods of pre-trial detention can easily lead to loss of employment, education, family stability, social status, financial stability and psychological stability. These effects go way beyond the loss of physical freedom and have long-term effects in the form of social exclusion, which persists even post-acquittal, discharge or bail. The discussion in this paper shows that civil death is no longer an imaginary idea but a reality of thousands of undertrial prisoners in India. Slowness in investigation, backlog in the judicial system, disparities in access to bail, poverty, and institutional discrimination all serve to turn pre-trial detention into a kind of pre-conviction punishment. The stigma that persists even after acquittal, compromises the constitutional principles of equality, personal liberty, and the presumption of innocence further. Therefore, delayed justice does not only delay legal adjudication, it propagates structural injustice in that it strengthens social and economic disparities that persist to impact people even after the legal process is over. Solving this dilemma needs a rights-based strategy that incorporates legal change with wider social and institutional interventions. Rapid investigations, generous bails, proactive legal assistance, judicial responsibility, prison reforms, employment support, mental health provision, community sensitization, and guided reintegration programmes are all paramount elements of a humane criminal justice system. It is not only necessary to minimize the prison overcrowding but also to protect the dignity, equality, and constitutional rights of all people awaiting the trial.

Justice cannot be considered complete just because an accused individual is later on acquitted or set free. Lawful justice involves the restoration of the opportunities, dignity, and social status, which might have been unfairly deprived throughout the detention. The democratic criminal justice system cannot be evaluated based on how many convictions it achieves but how well it safeguards the dignity, liberty and humanity of people who are yet to be convicted. The challenge of averting the so-called civil death of untrial detainees thus requires the redesign of the criminal justice system based on the principles of the constitutional compassion, prompt adjudication, restorative justice, and adequate social reintegration.

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