REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

HUSSAINARA KHATOON V. HOME SECRETARY, STATE OF BIHAR (1979)

BENCH: Mr. Justice P.N. Bhagwati & Mr. Justice V.D. Tulzapurkar **DECIDED:** February 12, 1979

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Right to speedy trial is an integral part of personal liberty under Article 21; undertrials cannot be kept in jail beyond maximum statutory sentences.

1. Factual Matrix & Background:

A writ petition was filed highlighting the plight of thousands of undertrial prisoners languishing in Bihar jails for years, often exceeding the maximum period of imprisonment they could receive if convicted, due to a paralyzed judicial trial system.

2. Substantive Legal Questions Framed:

Whether the right to a speedy trial and provision of free legal aid to impoverished undertrials is an essential ingredient of fundamental rights under Article 21.

3. Analysis & Ratio Decidendi:

The Supreme Court held that the right to a speedy trial is a fundamental right implicit in the guarantee of life and personal liberty enshrined in Article 21. A procedure that keeps an undertrial incarcerated indefinitely without trial is neither fair, just, nor reasonable. The Court ordered the immediate release of undertrials whose detention exceeded the maximum statutory penalty.

4. Principles Enunciated:

- 1. Speedy trial is a non-negotiable constitutional right under Article 21.
- 2. State is under an affirmative obligation to provide free legal services to the poor.
- 3. Undertrials cannot be detained longer than the maximum sentence for the offence.

5. Practical Litigation Implications:

- Cite Hussainara Khatoon when undertrials have spent prolonged periods in custody, moving for immediate bail under Article 21 and statutory maximum limit provisions.

.....J.
[SUPREME COURT BENCH]

CERTIFIED TRUE COPY OF THE OFFICIAL JUDGMENT RECORD — URBAN RIGHTS LEGAL PRECEDENTS ARCHIVE