REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

KHATRI (II) V. STATE OF BIHAR (1981)

BENCH: Mr. Justice P.N. Bhagwati & Mr. Justice E.S. Venkataramiah **DECIDED:** December 19, 1980

RATIO DECIDENDI & PRECEDENTIAL CRUX:
State is constitutionally bound to provide free legal aid to indigent accused at the time of remand and throughout the criminal trial under Article 21.

1. Factual Matrix & Background:

In the infamous Bhagalpur blindings case, police officers deliberately blinded dozens of undertrial prisoners with acid and needles. When the prisoners were produced before magistrates for periodic remands, no lawyers were provided, and magistrates never asked about their physical condition.

2. Substantive Legal Questions Framed:

Whether the constitutional obligation to provide free legal services to indigent accused under Article 21 arises at the very first production for remand.

3. Analysis & Ratio Decidendi:

The Supreme Court held that the right to free legal aid is not a luxury or a charitable gesture, but a constitutional command under Article 21. The obligation arises from the moment the accused is produced before the magistrate for remand. Magistrates are under an affirmative duty to inform the accused of their right to free legal representation at state expense.

4. Principles Enunciated:

- 1. Free legal aid is a mandatory constitutional right from the first remand stage.
- 2. Magistrates must actively inform unrepresented accused of their right to legal aid.
- 3. State cannot plead lack of financial resources to deny constitutional assistance.

5. Practical Litigation Implications:

- Remand orders passed without offering legal representation to an unrepresented accused can be challenged as unconstitutional under Article 21.

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

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