REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

RUDUL SAH V. STATE OF BIHAR (1983)

BENCH: Mr. Justice Y.V. Chandrachud (CJI), Mr. Justice A.N. Sen & Mr. Justice R.N. Misra

DECIDED: August 1, 1983

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Supreme Court established public law compensation for unlawful detention and state infringement of personal liberty under Article 21.

1. Factual Matrix & Background:

The petitioner was acquitted by the Sessions Court in 1968 but was illegally detained in jail for more than fourteen additional years due to bureaucratic apathy and negligence. A habeas corpus petition was filed seeking his immediate release and compensation.

2. Substantive Legal Questions Framed:

Whether the Supreme Court in exercise of writ jurisdiction under Article 32 can award monetary compensation to a citizen whose fundamental right under Article 21 was violated by illegal state detention.

3. Analysis & Ratio Decidendi:

The Supreme Court three-judge bench held that merely ordering the release of an illegally detained citizen is not an adequate remedy. To make the protection of Article 21 meaningful, constitutional courts have the power and duty to award monetary compensation against the State for grave and unconstitutional deprivations of liberty.

4. Principles Enunciated:

- 1. Violation of Article 21 attracts public law compensation against the State.
- 2. Constitutional courts have inherent power under Article 32 to grant exemplary damages.
- 3. Sovereign immunity is unavailable as a defence against human rights violations.

5. Practical Litigation Implications:

- Where an individual is detained past their acquittal or remand expiry, file a writ petition claiming both immediate release and substantial monetary compensation under public law.

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

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