

## **Hussainara Khatoon VII Summary**

**CONSTITUTION OF INDIA - Articles 21 and 32--Guidelines for release of undertrial languishing in jail for want of expeditious disposal of cases--However, the Supreme Court refuse to make general orders for release of under trials since the question of release will depend upon the impact of the crime in the society in the background of specific fact, and situation of each case.**

**The Supreme Court had already laid down the guidelines by orders passed from time to time. A detained order was passed on 12.2.1979 by a Division Bench reported in 1980 (1) SCC 81 and guidelines were laid down. While there can be doubt that under trial prisoners should not languish in jails on account of refusal to enlarge them on bail for want of their capacity to furnish bail with monetary obligations, such matters have to be dealt with on case to case basis keeping in mind the guidelines of the Supreme Court. The role of the High Court in this regard is to ensure that the guidelines issued by the Supreme Court are implemented in letter and spirit.**