

## Maneka Gandhi Case - Important SC Judgements for UPSC

Many Supreme Court judgements have changed the face of Indian polity and law. These landmark SC judgements are very important segments of the [UPSC syllabus](#). In this series, we bring to you important SC judgments explained and dissected, for the benefit of IAS aspirants. In this article, you can read all about the Maneka Gandhi case. Get a list of [landmark SC judgements for the UPSC exam](#) in the linked article.

### Maneka Gandhi Case

#### *Case Summary - Maneka Gandhi (Petitioners) V Union of India (Respondents)*

The landmark ruling in Maneka Gandhi versus Union of India, which stands as a bulwark of the Right of Personal Liberty granted by Article 21 of the Constitution, started when the passport of the petitioner in this case, was impounded by the authorities under the provisions of the Passport Act. This arbitrary act of impounding the passport eventually led to the pronouncement of a unanimous decision by a seven-judge bench of the apex court comprising M.H. Beg (CJI), Y.V. Chandrachud, V.R. Krishna Iyer, P.N. Bhagwati, N.L. Untwalia, S. Murtaza Fazal Ali and P.S Kailasam.

#### ***Brief Facts***

The petitioner Maneka Gandhi's passport was issued on 1<sup>st</sup> June 1976 as per the Passport Act of 1967. On 2<sup>nd</sup> July 1977, the Regional Passport Office (New Delhi) ordered her to surrender her passport. The petitioner was also not given any reason for this arbitrary and unilateral decision of the External Affairs Ministry, citing public interest.

The petitioner approached the [Supreme Court](#) by invoking its writ jurisdiction and contending that the State's act of impounding her passport was a direct assault on her Right of Personal Liberty as guaranteed by Article 21. It is pertinent to mention that the Supreme Court in Satwant Singh Sawhney v. Ramarathnam held that right to travel abroad is well within the ambit of Article 21, although the extent to which the Passport Act diluted this particular right was unclear.

#### **Issues Before the Court**

- Are the provisions under Articles 21, 14 and 19 connected with each other or are they mutually exclusive?
- Should the procedure established by law be tested for reasonability which in this case was the procedure laid down by the Passport Act of 1967?
- If the right to travel outside the country is a part of Article 21 or not?
- Is a legislative law that snatches away the right to life reasonable?

#### ***Arguments of the petitioners:***

- Through the administrative order that seized the passport on 4th July 1977, the State has infringed upon the Petitioner's [Fundamental Rights](#) of freedom of speech & expression, right to life & personal liberty, right to travel abroad and the right to freedom of movement.
- The provisions given in Articles 14, 19 & 21 should be read together and aren't mutually exclusive. Only a cumulative reading and subsequent interpretation will lead to the observance of principles of natural justice and the true spirit of constitutionalism.

- India might not have adopted the American concept of the “due process of law”, nevertheless, the procedure established by law should be fair and just, reasonable, and not be arbitrary.
- Section 10(3)(c) of the Passport Act violates Article 21 insofar as it violates the right to life & personal liberty guaranteed by this Article.
- Audi Altrem Partem i.e. the opportunity of being heard is invariably acknowledged as a vital component of the principles of natural justice. Even if these principles of natural justice are not expressly mentioned in any of the provisions of the Constitution, the idea behind the spirit of Fundamental Rights embodies the very crux of these principles.

### ***Contentions of the respondents:***

- The respondent stated before the court that the passport was confiscated since the petitioner had to appear before a government committee for a hearing.
- The respondent asserted that the word ‘law’ under Article 21 can’t be understood as reflected in the fundamental rules of natural justice, emphasising the principle laid down in the A K Gopalan case.
- Article 21 contains the phrase “procedure established by law” & such procedure does not have to pass the test of reasonability and need not necessarily be in consonance with the Articles 14 & 19.
- The framers of our Constitution had long debates on the American “due process of law” versus the British “procedure established by law”. The marked absence of the due process of law from the provisions of the Indian Constitution clearly indicates the constitution-makers’ intentions.

## **Maneka Gandhi Case Judgement**

This immensely important judgment was delivered on 25th January 1978 and it altered the landscape of the Indian Constitution. This judgment widened Article 21’s scope immensely and it realized the goal of making India a welfare state, as assured in the Preamble. The unanimous judgement was given by a 7-judge bench.

### **Maneka Gandhi Case Major Findings of the Court**

1	2	3	4	5
The court while delivering this judgment changed the Constitution’s landscape by contending that though the language used in Article 21 is “procedure established by law”, such procedure must not be arbitrary and irrational.	The Constitution framers never intended that the procedure need not necessarily be fair, just and reasonable.	The court overruled the Gopalan case by saying that there exists a special relationship between the provisions of Articles 19, 14 and 21 and each law must pass the tests of the said provisions.	The court stated that the interpretation of “personal liberty” should not be construed in a narrow and strict sense but should be done in a liberal and broad sense.	The right to travel abroad (as contended in the Satwant Singh case) is guaranteed under Article 21. The court said that Section 10(3)(c) and 10(5) is an administrative order, and as a result, can be challenged on grounds of unreasonable, mala fide, denial of natural justice & ultra vires.

### ***Conclusion***

The judgment's most important feature was the interlinking it laid down between the provisions of Articles 19, 14 and 21. Through this link, the supreme court made these provisions inseparable and into a single entity. Now, any procedure has to meet all the requirements mentioned under these three articles to be held valid. As a result, this judgement enlarged the scope of personal liberty significantly and preserved the fundamental & constitutional right to life.

This judgement, apart from protecting citizens from the unchallenged actions of the Executive, also preserved the sanctity of parliamentary law, when it refused to strike down the 1967 Act's Sections 10(3)(c) and 10(5).

The judgement paved the way for the Apex Court to bring into the ambit of Article 21 other important rights like Right to Clean Water, Right to clean Air, Right to freedom from Noise Pollution, Standard Education, Speedy Trial, Fair Trial, Right to Livelihood, Legal Aid, Right to Food, Right to Clean Environment, Right to Medical Care, etc.