

# Maneka Gandhi Case

The Supreme Court in *Maneka Gandhi vs Union of India* interpreted Article 21 in the widest possible way. Maneka Gandhi, the Petitioner in this case approached the Supreme Court when her passport was impounded arbitrarily by the Passport Authorities. The judgment was delivered by a seven-judge bench consisting of M.H. Beg (CJI), Y.V. Chandrachud, P.N. Bhagwati, N.L. Untwalia, S. Murtaza Fazal Ali, V.R. Krishna Iyer, and P.S. Kailasam.

## Facts of the Maneka Gandhi vs Union of India

The petitioner Maneka Gandhi's passport was issued on June 1, 1976, as per the Passport Act of 1967. On July 2, 1977, the Regional Passport Office in New Delhi sent a letter to the petitioner ordering her to surrender her passport as per Section 10(3)(c) of the Passport Act 1967. Some important facts on the *Maneka Gandhi vs Union of India* case are as follows:

- The External Affairs Ministry justified this arbitrary act stating it was in the interest of the public.
- After receiving the letter, when the petitioner wrote to the Regional Passport Officer asking for a reason for such an order, the authorities did not provide any reason.
- That is when the petitioner approached the Supreme Court by filing a writ petition under Article 32 of the Constitution in which she challenged this arbitrary order as it was violative of her fundamental rights guaranteed under Articles 14, 19 and 21.
- She alleged that Section 10(3)(c) of the Passport Act was an ultra virus in the Constitution.
- Petitioners stated that impounding of the passport led to the violation of the Right to Personal Liberty guaranteed under Article 21.
- It was held by the Supreme Court in *Satwant Singh Sawhney v. Ramarathnam* that the right to personal liberty under Article 21 includes the right to travel abroad.
- The authorities replied to this statement they can not disclose the reasons in the "interest of the general public".

## Maneka Gandhi Case: Issues before the Court

The issues before the court with respect to the *Maneka Gandhi vs Union of India* case are listed below:

1. Whether the Fundamental Rights guaranteed under Part III of the Constitution absolute and what is the extent of territory of such Fundamental Rights?
2. Whether the "Right to Travel Abroad" included in Article 21?
3. Whether the rights guaranteed under Articles 14, 19 and 21 of the Constitution of India connected to each other?
4. What is the scope of "Procedure established by law".
5. Whether Section 10(3)(c) of the Passport Act 1967 is violative of Fundamental Rights?
6. Whether the order of the Regional Passport Officer contravene the principles of natural justice?

## Contentions of the Petitioner in Maneka Gandhi Case

After reading about the issues presented in the court, it is also important to know the arguments made by Maneka Gandhi for her case against the Union of India.

- The right to travel abroad is part of “personal liberty” within the meaning of Article 21, and no one can be deprived of this right except in accordance with the procedure established by law. However, the Passport Act does not have any procedure established by law that justifies impounding of a passport. Hence it is arbitrary and unreasonable and also violative of the petitioner’s Fundamental Rights of freedom of speech and expression.
- To impound a passport under Section 10(3)(c) of the Passport Act, there has to be public interest present at the time of seizure and not a public interest that might occur in the future.
- Another contention in the Maneka Gandhi vs Union of India case is that the provisions provided under Articles 14, 19 and 21 are correlated and not exclusive of each other. They have to be read and interpreted together in order to achieve the principles of natural justice. Reading the fundamental rights in accordance with each other will uphold the spirit of our constitution.
- Though India has not adopted the principle of due process of law, the procedure has to be fair, just and reasonable.
- Section 10(3)(c) of the Passport Act is violative of fundamental rights guaranteed under Articles 14, 19(1)(a) and (g) and 21 as it restricts the right to life and personal liberty.
- The right to be heard, i.e. Audi Alteram Partem, is an important element of the principles of natural justice. The words “natural justice” though not found in our constitution, the framers intended the fundamental rights to be interpreted to include the principles of natural justice.

## Contentions of the Respondents in Maneka Gandhi Case

The arguments made by the respondents in the Maneka Gandhi case are listed below:

- The respondents contended that the reason for the confiscation of their passport was to compel the petitioner to appear for a hearing before a government committee.
- Relying on the A.K. Gopalan case, the respondents contended that the word “law” under Article 21 could not be interpreted as per the fundamental rules of natural justice. And personal liberty should be interpreted rigidly.
- Another argument made by the respondents in the Maneka Gandhi vs Union of India is that the concept of “procedure established by law” covered under Article 21 is not required to clear the reasonability test. It may not even be in harmony with Articles 14 and 19.
- There have been constant debates about “due process of law” - the American law versus “procedure established by law” - the British law. Since the due process of law is not mentioned anywhere in the constitution, it is clear that the framers of the constitution did not want to include it.

## Maneka Gandhi vs Union of India Judgement

The landmark judgment on Maneka Gandhi vs Union of India was delivered on January 25, 1978. This decision gave a wide interpretation to Article 21 and emphasized the idea of the welfare state which is enshrined in the Preamble. It was a seven-judge bench that delivered the judgement as follows:

1. It was held that the term “personal liberty” should be interpreted in a wide sense and avoid restrictive interpretation.
2. As claimed in Satwant Singh Sawhney's Case, Freedom to go abroad is guaranteed under Article 21. The Court held that Section 10(3)(c) and 10(5) of the Passport Act are

administrative orders. Administrative orders can not be challenged for being unfair, unreasonable or unjust.

3. The Court held that Section 10(3)(c) is not violative of Article 14 of the Indian Constitution as there was no discrimination against the petitioner. The Court also held that Section 10(3)(c) is not unconstitutional as the Passport authority has been conferred power to suspend or cancel a passport in the interest of national security. However, in the present case, it was arbitrary because the authorities did not give a valid reason for impounding the passport. The concept of Audi Alteram Partem, meaning let the other side be heard, was denied to the petitioner in this case.
4. While passing the Maneka Gandhi vs Union of India judgement, the Supreme Court overruled A.K. Gopalan's case and held that Articles 14, 19 and 21 can not be read and interpreted separately into watertight compartments but should be read together to attain the principles of natural justice. The Court stated that Articles 14, 19 and 21 are interrelated and established a rule called the "golden triangle" or "trinity".

## Conclusion of the Maneka Gandhi Case

This case of Maneka Gandhi v Union of India set many new precedents. The Supreme court became a watchdog to safeguard fundamental rights. The decision stated that every law has to be just, fair and reasonable otherwise, it will be considered unconstitutional. The Court widened the scope of the right to life and personal liberty under Article 21 of the Constitution. Now the citizens can seek protection against the arbitrary actions of the Executive.

It further emphasized the rule of the "golden triangle," i.e., Articles 14, 19 and 21 are inseparable. Now it is compulsory for every procedure to be in line with the requirements of all three Articles.

This decision also expanded the scope to cover many other rights like the right to clean water, standard education, right to livelihood, legal aid, etc., under the umbrella of Article 21. In A.K Gopalan's case, the Court had refused to accept the "procedure established by law" alongside "due process of law". However, the Supreme Court turned down this theory in the Maneka Gandhi case and held that impounding a passport without giving reasons was arbitrary. So through the case of Maneka Gandhi, the Court widened the scope of these two phrases and set a new precedent.