
CASE COMMENTARY ON MANEKA GANDHI V. UNION OF INDIA

BY BHASKAR PANDEY¹

Date of Judgement: 25 January 1978

Citation: 1978 AIR 597, 1978 SCR (2) 621

Petitioner: Maneka Gandhi

Respondent: Union of India

Bench: M. H. Beg (Chief Justice), Y. V. Chandrachud, V. R. Krishna Iyer, P. N. Bhagwati, N. L. Untwalia, S. Murtaza Fazal Ali, P. S. Kailasam

Supreme Court of India heard this case, which had far-reaching consequences for the protection and promotion of rights in the country.

I. FACTS OF THE CASE

1977 passport was seized by the Ministry of External Affairs, Government of India under section 10 A D Passports Act,” She was not furnished with a reason by the government for impounding her passport, thus preventing her from traveling out of the country. Maneka Gandhi – a former journalist and the daughter-in-law of ex-Prime Minister Indira Gandhi challenged this action as being against her fundamental rights such as the right to move freely.

II. ISSUES OF THE CASE

1. The most important issue in this case was whether the government’s action of impounding Maneka Gandhi’s passport without giving her an opportunity to be heard infringed on these fundamental rights contained under Article 21 of the Indian Constitution. Article 21 ensures

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the right to life and personal liberty of a person no citizen could be sentenced to death or interfered with his personal liberties except through procedure laid down by law.

2. The case also raised the issue of how far a judicial review can go and whether there would be such scrutiny on what the government can do.

III. ARGUMENTS OF THE PETITIONER

- 1st Fundamental Rights – right to freedom of speech & expression, the rights to life and personal liberty 2nd The fundamental Right petitions against foreign visits delayed by latest actions.
- Articles 14 & 2 above, taken together are not contradictory. Only a cumulative reading and subsequent interpretation will help to ensure the principles of natural justice and the true spirit of constitutionalism.
- Section 10(3)(c) of the Passport Acts infringes upon the Article that governs life and personal liberty guaranteed under it.

IV. CONTENTIONS OF THE RESPONDENTS

- The respondent said before the court that the passport was taken because of hearing petitioner by a government committee.
- The respondent claimed that the term ‘law’ in Article 21 doesn’t contain what is reflected as fundamental rules of natural justice, focusing on their principle derived from the A.K. Gopalan case.
- In article 21 the phrase stated is “procedure established by law,” & such procedure can be alleged to not have had to pass this test of reasonability and it needn’t necessarily fall in tandem with those of articles both fourteen & nineteen.

V. JUDGEMENT OF SUPREME COURT

1978 in the case of Maneka Gandhi, this was a landmark judgement passed by Supreme Court Justice Y.V Chandrachud on January 25th, where it ruled in favour of Mrs.", Thus, the court decided that the right to travel out of India came under personal liberty provided by Article 21 and impounding on one’s passport hindered this basic freedom.

The court ruled further that the procedure under the law stated in Article 21 has to be fair, just and right. 39 It stated that the actions of taking away passport without a good reason or hearings did not meet these criteria and hence, was unconstitutional.

This case laid the foundation that personal freedom is not an absolute right and may be curtailed, but limitations should always have to be reasonable, proper procedure has followed. In its decision, the court introduced “due process of law,” a doctrine highlighting procedural fairness in cases involving fundamental rights.

VI. IMPACT OF THE CASE

The Maneka Gandhi case has deeply influenced Indian jurisprudence and broadened the ambit of personal freedom constitutionally protected under Article 21. It has established a precedent for future cases on the issue of protecting fundamental rights, and it is regularly cited by courts in India when deciding matters involving individual freedoms and government interventions.

VII. CONCLUSION

The primary insight from this case is that the Court acknowledges personal liberty being a part of Article 21 in the Indian Constitution does not only mean physical freedom but also means various dimensions of life including going to another country. The Court ruled the right to a fair procedure must be observed before any restrictions can impinge on personal liberty. This landmark judgment firmly established the precept that procedural fairness is an integral part of due process and governmental actions that have negative impacts on personal liberty must be reasonable, and justifiable in law. This case had a major role in enhancing the rights and freedom of individuals in India. It focused on the significance of due process and the government's requirement to follow fair procedures by which personal liberties may be infringed. This case has left a lasting impression on Indian jurisprudence and is cited as a precedent in cases relating to fundamental rights and personal liberty until today.