



# The Indian Journal for Research in Law and Management

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## CASE COMMENTARY: MANEKA GANDHI V. UNION OF INDIA

*~Muskan Jaiswal*

### **CITATION:**

1978 AIR 597, 1978 SCR (2) 621

### **BENCH:**

M. Hameedullah (CJ), Y.V. Chandrachud, P.N. Bhagwati, V.R. Krishnaiyer, N.L. Untwalia, Syed Murtaza Fazalali, P.S.Kaiasam.

### **INTRODUCTION:**

Maneka Gandhi case (1978 AIR 597, 1978 SCR (2) 621) is a landmark decision in Indian constitutional law on Article 21 which modified the scope of personal liberty under Article 21. The Supreme Court, in its ruling on this case, had drastically broadened the scope of fundamental rights and held that every law or executive action impacting personal liberty has to be just, fair, and reasonable. The effect of this judgment has been long-lasting on the Individual's right to privacy in India.

### **BACKGROUND:**

The aforementioned Section 10(3)(c) was ordered to be added as a public emergency [24] Law as early as July 1977 by the Government of India following which Maneka Gandhi, a journalist and daughter-in-law of the former Prime Minister Indira Gandhi, passport was ceased. The order of the Centre did not mention any reason for its removal further initiating Gandhi's fight against the decision. She had contended that the impounding of her passport was a violation of her fundamental rights under Articles 14 (right to equality), 19 (freedom of speech and expression), and 21 (right to life and personal liberty) of the Indian Constitution.

## **LEGAL ISSUE:**

The problems raised in the case were:

- Can a person, who has been illegally detained, challenge his detention in the High Court via writ of Habeas Corpus under the Proclamation of Emergency after the President's order is passed?
- If Article 21 was suspended, was it in consonance with the rule of law?
- Whether a detainee has locus standi in Courts during the Emergency?

## **JUDGMENT:**

Maneka Gandhi won the case as the Supreme Court, in Landmark ruling, held that Article 21 is not merely a protection of life and liberty but a guaranty of life and liberty with dignity and the procedure established by law must be fair, just and reasonable. The Court held that:

- The right to travel abroad falls within the ambit of personal liberty under Article 21.
- A procedure established by law as contemplated under Article 21 for depriving a person of his personal liberty has to be fair, not just, and reasonable, cannot be arbitrary, fanciful, or oppressive. This interpretation brought the doctrine of substantive due process in Indian law. With this interpretation, Indian law embraced the concept of substantive due process, signifying that the law's procedural aspects and its essential elements impacting personal liberty must be just and reasonable.
- What the Constituent Assembly thereby intended to inscribe was not three watertight compartments under Articles 14, 19, and 21 but a magna carta of human freedoms in its entirety. Hence, arbitrary violations or intrusions into individual liberty should also meet the higher standards of equality and freedom.
- The Supreme Court also stated that the principle of natural justice must be embedded in the procedure made by law so that every individual has a fair hearing and reasons for any action affecting their rights.

## **ANALYSIS:**

The Court in *Maneka Gandhi v. Union of India*[6] greatly expanded its understanding of personal liberty under Article 21 of the Indian Constitution. Right to move outside India: The

Supreme Court interpreted the right to personal liberty in such a way that it included as well the right to travel outside the country and it must be subject to fair, just, and reasonable procedure for its deprivation. In this case, any laws or executive measures impacting personal liberty must satisfy the requirements made by laws laid out in articles 14, and 19. The judgment also set forth the link of Articles 14, 19, and 21 to safeguard all fundamental rights together.

### **AFTERMATH:**

The fallout of the Maneka Gandhi case was far-ranging:

- **Scope of Article 21 Enlarged:** Made possible the reading in of extant rights under personal liberty, to include privacy, dignity and a pollution-free environment.
- **Substantive Due Process:** Protected subjective legal rights by requiring judicial review based on fairness and reasonableness of laws and executive actions governing personal liberty.
- **Provisional Statues with Enhanced Judicial Review:** Allowed courts to review not only the procedures of any law but the substance of the law as well, for arbitrariness and justice.
- **Inter-related Fundamental Rights:** The cases of violations of personal liberty are scrutinized in the light of equality and freedom, thereby expanding the protective law for the citizens.
- **Influence on jurisprudence:** The principles set by this judgment made all the related subsequent cases involving the interpretation of preventive detention, privacy rights, and fair trial standards.

The judgment remains a fundamental principle of India's Constitutional Law, strengthening the judiciary's role in protecting individual rights and abiding by the principle of law.

### **CONCLUSION:**

This is a landmark case where life and personal liberty mentioned under Article 21 of our Constitution got re-interpreted like never before. It further expanded the right to freedom of speech and expression never more limited to the territorial frontiers of the state, so today covers almost the entire world. Therefore, this was one of the cases where judicial activism played its biggest role in order to create a new line to exercise fundamental rights as well as Article 21

which has been written in the history. That case essentially called the Golden Triangle Case, has crucial challenges as to Articles 14, 19, and 21. The same were simultaneously presented earlier than the Supreme Court, but the Supreme Court gave its final judgment in the Golden Triangle case and this became an awesome instance and also a landmark judgment of the Supreme Court.

This judgment restored the faith of the people in the justice delivery system and also created a hope that all the rights under Part III would be fully maintained. In clear terms, the court overruled the opinion expressed in Gopalan, stating that even an unjust and irrational manner could provide for the curtailment or negation of a person's Right to Life and Personal Liberty. In the case of this orthodox viewpoint, the court in this instance was discarded, where the procedure established by law stated the course of action, "reasonable" "Fair" "and" just.

This was still the judgment that distorted the plain and simple interpretation of 'procedure established by law' and the first time the phrase 'due process of law' was getting introduced to the legal system of India. The court also held that the right to go to and out of the country is a crystallized form of the right to liberty, therefore the individual right is violated, and liberty is distorted every time it is not allowed. In making these findings, the court proudly announced that it had broadened Article 21 of the Constitution, rendering it imperative upon the court to interpret Article 21 in a manner that would benefit the people.

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