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CASE COMMENTS ON MANEKA GANDHI V. UNION OF INDIA

¹ Prerna Kumari

ABSTRACT

The case commentary covers Maneka Gandhi v Union of India, a landmark Supreme Court decision that extended the definition of personal liberty, as guaranteed by Article 21. This issue arose out of the petitioner's passport being impounded without reason or a hearing. The Court has held that the procedure which deprives a person of his personal liberty must be fair, just and reasonable and not arbitrary. The ruling also highlighted the interlinkages of “Articles 14, 19 and 21 thereby reinforcing the ideals of natural justice and safeguarding of fundamental rights.”

INTRODUCTION

This case analysis is confined to the 1978 case of Maneka Gandhi v. Union of India, which extended the scope of Article 21 of the Indian Constitution and helped redefine the system of Indian politics and law. The court needs to create a ‘golden triangle’ of fundamental rights under Articles 14, 19, and 21, and any law that takes away liberty must meet the requirements of equality, liberty, and appropriate procedures.

Personal liberty is freedom from unlawful physical restraint or coercion. The case of Maneka Gandhi² interpreted Article 21, which not only extended the ambit of personal liberty but also introduced a new right-based approach to the understanding of Chapter III of the Constitution of India, and the judgment, by a bench of seven judges on 25th January 1978, not only broadened the definition of “Personal Liberty”, but also introduced a new paradigm to part III

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² AIR 1978 SC 597.

(Fundamental Rights) of the Indian constitution, which said that any law that affects personal liberty or life is not valid unless it is just, fair, and reasonable

BACKGROUND

It was on an impound order dated 2nd July 1997 that Maneka Gandhi's passport was impounded "in the public interest." When asked for the reasons for impounding her passport, the government of India did not provide any reasons "in the interest of the general public".

Gandhi filed a writ petition under Article 32 of the Indian Constitution on the following grounds that the order infringed Articles 14, 19, and 21 of the Constitution of India. The Union, in its written submission, had said her passport had been impounded as it was likely she would be required in connection with proceedings before a "commission of inquiry".

BRIEF FACTS

In the present case, the petitioner's wife, Mrs. Maneka Gandhi, was issued a passport under the Passport Act, 1967. The regional passport officer had issued a notice for the surrender of the petitioner's passport on 2nd July, 1997.

The petitioner requested the reason, and the Government of India refused her, citing that it was in the interest of the general public. The petitioner was not satisfied with this and came to the Hon'ble Supreme Court under Article 32 of the Constitution of India.

She pointed out in the petition that the fundamental rights under Articles 14, 19, and 21 of the Constitution have been violated with the confiscation of her passport by the passport authority.

ISSUES:

1. Whether the alleged right, namely the right to "Travel Abroad," to which the interpretation of the protection of Article 21 pertains?
2. What is the connection between the rights guaranteed by Articles 14, 19, and 21 of the Constitution of India (The golden triangle principle)?
3. How far does the term "procedure established by law" in Art. 21 go?
4. Whether the impugned order of the Regional Passport Officer is an order that is violative of the principles of natural justice?
5. Whether the fundamental right is absolute or conditional, and what are the bounds on the fundamental right conferred upon Indian citizens by the Constitution?

THE PETITIONERS' ARGUMENTS

- a) There is no doubt that the right to travel abroad is derived from the right to personal liberty, and as such, no person can be denied the right to travel abroad without following the requisite legal procedure.
- b) Moreover, the central government breached the right to be heard under Article 21 of the Constitution of India. Therefore, the meaning of Article 21, its nature, and the nature of the protection it provides should be clarified.
- c) There must be justice and fairness in any judicial proceedings; this must prevent arbitrary conduct. The spirits of the fundamental rights must be in sync with the constituent assembly and must keep the essence of our constitution alive.
- d) Articles 14, 19, and 21 of the Constitution of India must be read in this context. The impugned provision of the Passport Act is said to be inconsistent with Article 21 only to the extent that it violates the right to life and personal liberty protected under the broad meaning of Article 21.
- e) One of the most vital aspects of justice and fairness is ‘Audi Alteram Partem,’ which means that the applicant had not been heard.

THE RESPONDENTS’ ARGUMENTS:

- a) The right to travel abroad is not protected by the terms of Article 19(1) in any way, according to the Attorney General of India. Thus, proving the rationality of the central government’s action is irrelevant to Article 19.
- b) The respondent contended that the term law in Article 21 is not exactly definable because the fundamental standard of justice is such, and affirmed the premise laid out in A.K. Gopalan.
- c) The respondent claimed that the passport was taken for security reasons, and the restriction on travel is for the protection of the nation and for public order.
- d) The British “procedure established by law” and the American “due process” concept were discussed by the Constituent Assembly. By omitting the due process clause from the Constitution, the framers’ intention is clearly reflected.

JUDGMENT

The Maneka Gandhi case is the next in a long string of democratic triumphs. A bench of all the Supreme Court members gave a unanimous verdict in favour of the petitioner. The verdict came in light of the Supreme Court verdict in the Satwant Singh case³, which had said that the right

³ AIR 1967 SC 1836.

to travel abroad was part of the ambit of Article 21. The apex court, headed by CJI M.H.Beg, and comprising Justice V.R. Krishna Iyer, Justice N. L Untwalia, Justice P.S. Kailasam, Justice P.N. Bhagwati, Justice S. Murtaza Fazal Ali, and Justice Chandrachud, gave the judgment, and the key points are:

1. The maxim referred to in Article 21 is “procedure as defined by statute” and not “due process of law”, but the court modified the Constitution and said that the procedure mentioned has to be free from both irrationality and arbitrariness.
2. The court reversed the direction given in *Gopalan*, that articles 14, 19, and 21 are connected specially, and any law must meet the requirements of these articles.
3. The court ruled that the term “personal liberty” did not have to be read narrowly and rigidly. The courts’ opinion is that the concept of personal liberty must be understood broadly and liberally. As such, the scope of Article 21 gives it a wider and more capacious meaning, and it should no longer be read narrowly.
4. The Supreme Court in *Satwant Singh* ruled that the ‘right to go abroad’ is guaranteed and therefore comes under the purview of fundamental rights of Article 21 of the Constitution.
5. Neither Article 21 nor Article 19(1)(a) or 19(1)(b) of the Passport Act of 1967 was infringed by Section 10(3)(c) (g). The court, having regard to the fact that it preserves a right to be heard, affirmed the 1967 amendment as being consistent with Article 14 and rejected the petitioner's argument that the phrase “in the general public's interest” is unambiguous.
6. Sections 10(3)(c) and 10(5) are administrative orders, which can be attacked for mala fide, unreasonableness, breach of natural justice, and ultra vires.
7. The court also instructed the government to provide reasons in every case, and to resort to the discretion under Section 10(5) of the 1967 Act only on rare occasions.
8. The rights mentioned in 19(1)(a) and 19(1)(g) are not limited in their scope to the land of India.

CRITICAL ANALYSIS

Maneka Gandhi v. Union of India is a famous case that has been used as a precedent in the right to personal liberty under Article 21.

The Supreme Court, as a guardian of the spirit of the Constitution, determined that the law and provision must be just, fair, and reasonable; otherwise, it can be declared as arbitrary.

Restrictions on personal liberty have to be in accordance with Articles 21, 14, and 19, and Article 21 includes natural justice, which includes the right to be heard. The “Golden Triangle” principles should be used to evaluate state action or legislation. In *Maneka Gandhi v Union of India*, a seven-judge bench, unanimously, slammed the arbitrary detention of a passport and also found that justice is not just about formal compliance with laws but also a balance between the spirit of the law and fair procedures.

CONCLUSION

The Supreme Court’s judgment in this case was considered to be a landmark decision that upheld the Constitution of India, which safeguards the very tenets of the Constitution and the vision of the Constituent Assembly. It is believed that no one should be barred from stating their point of view or be silenced before the court. Articles 14, 19, and 21 of the Constitution are collectively referred to as the “Golden Triangle” of the Constitution, representing equality, freedom, and personal liberty.