

Maneka Gandhi v. Union of India

Supreme Court of India · (1978) 1 SCC 248 · 1978-01-25

Bench

7-Judge Constitution Bench

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

Facts

The petitioner's passport was impounded by the government without stating reasons under the Passport Act.

Issues

Scope of 'procedure established by law' under Article 21; interrelationship of Articles 14, 19 and 21.

Arguments

Petitioner argued that any procedure under Article 21 must be fair, just and reasonable, not merely a procedure prescribed by law.

Court Observations

The Court read Articles 14, 19 and 21 together and emphasised the 'golden triangle' protecting personal liberty.

Ratio Decidendi

Any 'procedure' under Article 21 must be fair, just and reasonable — arbitrariness violates Article 14.

Decision

Passport impoundment order set aside; audi alteram partem read into the statute.

Future Legal Impact

Transformed Indian due process jurisprudence and expanded fundamental rights.

Practical Takeaway

Article 21 is not a paper tiger — the State must follow fair, non-arbitrary procedure.

Five-minute Summary

The government impounded Maneka Gandhi's passport 'in the public interest' without disclosing reasons. Challenging the order, she argued this violated her right to travel and personal liberty. The Court held that Articles 14, 19 and 21 form a golden triangle: any law depriving a person of life or personal liberty must satisfy all three — it must not be arbitrary (Art. 14), must be reasonable (Art. 19), and must follow fair procedure (Art. 21). This judgment moved Indian law from a narrow, textual reading of Art. 21 to an expansive rights-protective approach that has since generated a rich body of jurisprudence on privacy, dignity, and due process.

Articles Invoked

- Article 14
- Article 19
- Article 21

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