

Case name

Passport Authority v. Government of India (1978)

Case

The case involved an appeal filed by the Central Bureau of Investigation (CBI) challenging the decision of the Passport Authority to impound a passport.

Brief Summary

The Supreme Court held that the right to travel abroad is a facet of the right to personal liberty guaranteed under Article 21 of the Constitution of India.

Main Arguments

- The right to travel abroad is an integral part of the right to personal liberty guaranteed under Article 21.
- The fundamental rights guaranteed under Part III of the Constitution are available not only within the territory of India, but also outside the territory of India.
- The right to travel abroad cannot be taken away except in accordance with procedure established by law.

Legal Precedents or Statutes Cited

- Article 21 of the Constitution of India (Right to Life and Personal Liberty)
- Article 19(1) (a) of the Constitution of India (Right to Freedom of Speech and Expression)
- Article 19(1)(d) of the Constitution of India (Right to Freedom of Movement)
- Section 10 (3) (c) of the Passports Act, 1967

Quotations from the court

- "The right to travel abroad is an integral part of the right to personal liberty guaranteed by Article 21 of the Constitution of India."
- "The fundamental rights guaranteed under Part III of our Constitution are available not only within the territorial limits of India, but also outside the territorial limits of India."
- "The right to travel abroad is part of personal liberty of which a person cannot be deprived except according to the procedure established by law."

Present Court's Verdict

The Supreme Court observed that the right to travel abroad is a facet of the right to personal liberty guaranteed under Article 21 of the Constitution of India. The bench of Justices L. Nageswara Rao, BR Gavai, AS Bopanna and V. Ramasubramanian said that the right to travel abroad is a facet of the right to personal liberty which is a fundamental right guaranteed under Article 21.

Conclusion

The Supreme Court's decision in this case reaffirms the importance of the right to travel abroad as a fundamental right guaranteed under the Constitution of India. The Court's ruling has significant implications for the exercise of this right by Indian citizens, both within and outside the territory of India.