

Case name:

K.S. Puttaswamy (Retd) v. Union of India

Case Type:

Constitutional Law, Personal Liberty, Freedom of Speech and Expression

Arguments by Plaintiff:

The petitioner argued that the right to personal liberty guaranteed under Article 21 of the Constitution includes the right to move freely throughout the territory of India and the right to reside and settle in any part of the country.

Arguments by Defendant:

The defendant argued that the right to personal liberty under Article 21 does not include the right to travel abroad.

Case:

The case revolved around the impounding of the petitioner's passport by the Passport Authority on the ground that her presence was required in connection with the proceedings before the Commission of Inquiry.

Summary:

The Supreme Court observed that the right to personal liberty guaranteed under Article 21 of the Constitution includes the right to travel abroad and the right to reside and settle in any part of the country. The court further held that the rules of natural justice are applicable to administrative and quasi-judicial proceedings.

Main Arguments:

The main arguments centered around the scope of the right to personal liberty under Article 21, the application of the rules of natural justice, and the effect of the State action on the fundamental rights of the individual.

Court Decisions:

The court decided that the right to personal liberty under Article 21 includes the right to

travel abroad and that the rules of natural justice are applicable to administrative and quasi-judicial proceedings. The court also held that the object and form of State action alone do not determine the extent of protection that can be claimed by an individual.

Legal Precedents or Statutes Cited:

The court cited the Passport Act, 1967 and Section 10(5) of the Act, which mandates the Passport Authority to record the reasons for impounding a passport and furnish a copy of the same to the passport holder.

Quotations from the court:

"The right to personal liberty guaranteed under Article 21 of the Constitution includes the right to move freely throughout the territory of India and the right to reside and settle in any part of the country."

"The rules of natural justice are applicable to both administrative proceedings as well as quasi-judicial proceedings."

"The object and form of State action alone do not determine the extent of protection that can be claimed by an individual."

Judgement:

The Supreme Court held that the impounding of the petitioner's passport was violative of her right to personal liberty under Article 21 of the Constitution. The court ordered the release of the petitioner's passport and directed the Passport Authority to record the reasons for impounding the passport and furnish a copy of the same to the petitioner.

Conclusion:

The Supreme Court's decision in K.S. Puttaswamy (Retd) v. Union of India reinforced the importance of the right to personal liberty under Article 21 of the Constitution and emphasized the need for the application of the rules of natural justice in administrative and quasi-judicial proceedings.###Case name: Right to Travel Abroad as a Facet of Personal Liberty

###Case Type: Constitutional Law, Passports Act

###Arguments by Plaintiff:

- The right to travel abroad is a fundamental right guaranteed under Article 21 of the Constitution of India.
- The right to travel abroad is an integral part of the right to personal liberty and cannot be taken away except in accordance with procedure established by law.

###Arguments by Defendant:

- The right to travel abroad is not available outside the territory of India.
- The Passport Authority has the power to impound a passport under Section 10 (3) (c) of the Passports Act, 1967.

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.

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.

Court Decisions:

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.

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."

###Judgement:

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. The Court observed that the right to travel abroad cannot be taken away except in accordance with procedure established by law.

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.### Case name: Passport Authority v. Government of India

Case Type: Constitutional Law, Administrative Law

Arguments by Plaintiff:

- The plaintiff argued that Section 10(3) of the Passport Act, 1967, is unconstitutional as it empowers the Government to impound a passport without providing an appeal mechanism.

Arguments by Defendant:

- The defendant argued that the Government's power to impound a passport under Section 10(3) is in the interests of national security, and that it should be presumed that the Government has exercised its power after careful scrutiny.

Case:

Passport Authority v. Government of India

Summary:

The court was called upon to determine whether Section 10(3) of the Passport Act, 1967, is constitutional, given that it empowers the Government to impound a passport without providing an appeal mechanism.

Main Arguments:

The main argument by the plaintiff is that the lack of an appeal mechanism under Section 10(3) makes the provision unconstitutional. The defendant's argument is that the Government's power to impound a passport is necessary in the interests of national security, and that it should be presumed that the Government has exercised its power after careful scrutiny.

Court Decisions:

The court held that the Government's power to impound a passport under Section 10(3) is not unconstitutional, despite the lack of an appeal mechanism, as the power is vested in the highest authority.

Legal Precedents or Statutes Cited:

- Passport Act, 1967, Section 10(3)

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Quotations from the court:

"It should be borne in mind, that when the Government itself passes an order, it should be presumed, that it would have made the order, after careful scrutiny."

Judgement:

The court ruled that Section 10(3) of the Passport Act, 1967, is constitutional, and that the Government's power to impound a passport in the interests of national security is valid.

Conclusion:

The court's decision upholds the Government's power to impound a passport under Section 10(3) of the Passport Act, 1967, without providing an appeal mechanism, citing the Government's highest authority and careful scrutiny as reasons for its decision.