Polity & Governance · GS - II

Examine the constitutional safeguards governing restrictions on an individual's freedom to travel abroad.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 24/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
15	~250 words

Answer Hint

Article 21, personal liberty, right to travel abroad, due process, passport restrictions, judicial review

Model Answer

Introduction

The freedom to travel abroad is an important aspect of individual liberty. Although the Constitution does not expressly mention an independent fundamental right to foreign travel, the Supreme Court has recognised it as part of personal liberty under Article 21.

Constitutional and Legal Safeguards

1. **Article 21:** In *Satwant Singh Sawhney v. D. Ramarathnam* (1967), the Supreme Court recognised the right to travel abroad as part of personal liberty.

2. **Fair procedure:** In *Maneka Gandhi v. Union of India* (1978), the Court held that any procedure restricting personal liberty must be just, fair and reasonable, and not arbitrary.

3. **Passport Act, 1967:** The Act provides statutory grounds for impounding or revoking passports, including specified situations involving national security, criminal proceedings and public interest.

4. **Judicial review:** Decisions restricting travel remain subject to constitutional scrutiny by courts to ensure legality, fairness and proportionality.

Balancing Individual Liberty and State Interests

1. **Legitimate restrictions:** Authorities may impose lawful travel restrictions for reasons such as national security, criminal investigations or court orders.

2. **Protection against arbitrariness:** Restrictions should have a legal basis, relevant justification and appropriate procedural safeguards.

3. **Transparency and accountability:** Individuals should receive reasons for adverse decisions, subject to legally recognised exceptions, and have access to appropriate remedies.

Conclusion

The Constitution permits reasonable restrictions on individual liberty but does not allow arbitrary interference with it. A balance between legitimate state interests and personal freedom is essential to uphold constitutional governance and the rule of law.

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