



# FASTag and Right to Freedom of Movement

## Why in News

Recently, the Union government told the Bombay High Court that making **FASTag** mandatory for all vehicles does not breach a citizen's [fundamental right to freedom of movement](#) in any way.

- A [Public Interest Litigation](#) was filed in the Court challenging the government's decision to make FASTag, the electronic toll collection chip, mandatory for all vehicles at toll plazas on national highways.

## Key Points

### ▪ About FASTag:

- The FASTag is a **reloadable tag** that allows **automatic deduction of toll** without having to stop for carrying out the cash transaction.
- The tag **uses Radio Frequency Identification (RFID) technology** and is fixed on the windscreen of the vehicle once active.
  - **RFID** is the **use of radio waves** to read and capture information stored on a tag attached to an object.
  - A tag can be read from up to several feet away and does not need to be within the direct line-of-sight of the reader to be tracked.

### ▪ Government's Response:

- FASTag ensures seamless traffic movement, cut travel time short, and that all decisions had been taken in accordance with the **Central Motor Vehicles (CMV) Rules**.
  - **Section 136A of Motor Vehicles Amendment Act 2019** puts the responsibility on the Central Government to make rules for the electronic monitoring and enforcement of road safety.
  - Legislating the establishment of robust electronic enforcement for traffic violations will result in reduction in human intervention and the associated corruption.
  - A robust electronic enforcement system including speed cameras, closed-circuit television cameras, speed guns and such other technology will ensure violations being captured at a greater scale.
- **Provisions** had been made at all toll plazas along national highways **to fit the chip in vehicles** that did not have FASTag.
  - In cases where it was not possible to fit vehicles with FASTag on the spot for any reason, the **vehicle was permitted to still ply on highways, on extreme left of the FASTag lanes**.
  - However, such vehicles were **required to pay twice the toll amount**.
- The **double user fees** or penalties imposed on vehicles without FASTag on national highways were also in accordance with the **National Highway Fee (determination of rates and collection) Rules, 2008**.
- Entertaining such petitions would cause "irreparable loss" to the [National Highways](#)

## Authority of India.

### Right to Freedom of Movement

- Right to Freedom of movement is **guaranteed under Article 19 of the Indian Constitution**. It entitles every citizen to move freely throughout the territory of the country.
- This right is **protected against only state action and not private individuals**. Moreover, it is available only to the citizens and to shareholders of a company but **not to foreigners or legal persons** like companies or corporations, etc.
- **Restrictions** on this freedom can only be imposed on **two grounds** which are mentioned in the Article 19 of the constitution itself, namely, the interests of the general public and the protection of interests of any scheduled tribe.
  - The entry of outsiders in tribal areas is restricted to protect the distinctive culture, language, customs and manners of scheduled tribes and to safeguard their traditional vocation and properties against exploitation.
- The Supreme Court held that the freedom of movement of prostitutes can be restricted on the ground of public health and in the interest of public morals.
- The freedom of movement has **two dimensions**, viz, internal (right to move inside the country) and external (right to move out of the country and right to come back to the country).
  - Article 19 protects only the first dimension. The **second dimension is dealt by Article 21** (right to life and personal liberty).

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