



# drishti

## Travelling Abroad is a Basic Human Right: SC

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Recently, the Supreme Court has ruled that the right to travel abroad is an important basic human right while permitting an IPS Officer who was denied permission to go abroad as he is facing departmental proceedings.

- SC observed that the pendency of departmental proceedings cannot be a ground to prevent the officer from traveling abroad.
- SC was hearing an appeal against the Government of India's denial of permission due to lack of vigilance clearance.
- The decision of the government of India was upheld by Central Administrative Tribunal and High court.
- The bench, while disposing of the appeal, referred to the judgment in Maneka Gandhi v. Union of India, and observed that:
  - The right to travel abroad is an important basic human right for it nourishes independent and self-determining creative character of the individual, not only by extending his freedoms of action but also by extending the scope of his experience.
  - Supreme Court also referred to a judgment of US Supreme court in Kent v. Dulles which said that "Freedom to go abroad has much social value and represents the basic human right of great significance."

### **Freedom of Movement**

- Freedom of movement is one of the six freedom under Article 19(1) of the constitution of India.

- Article 19: Protection of certain rights regarding freedom of speech etc
  - (1) All citizens shall have the right
    - (a) to freedom of speech and expression;
    - (b) to assemble peaceably and without arms;
    - (c) to form associations or unions;
    - (d) to move freely throughout the territory of India;
    - (e) to reside and settle in any part of the territory of India; and
    - (f) to practice any profession, or to carry on any occupation, trade or business.
- 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 the right to come back to the country).
- Article 19 protects only the first dimension. The second dimension is dealt with by Article 21 (right to life and personal liberty).

### **Maneka Gandhi Case**

- In **Maneka Gandhi case (1978)**, the Supreme Court took a **wider interpretation of Article 21**.
- The court held that the **'right to life'** as embodied in Article 21 is not merely confined to animal existence or survival but it includes within its ambit the right to live with human dignity and all those aspects of life which go to make a man's life meaningful, complete and worth living.
- It also ruled that the expression **'Personal Liberty' in Article 21 is of the widest amplitude** and it covers a variety of rights that go to constitute the personal liberties of a man.