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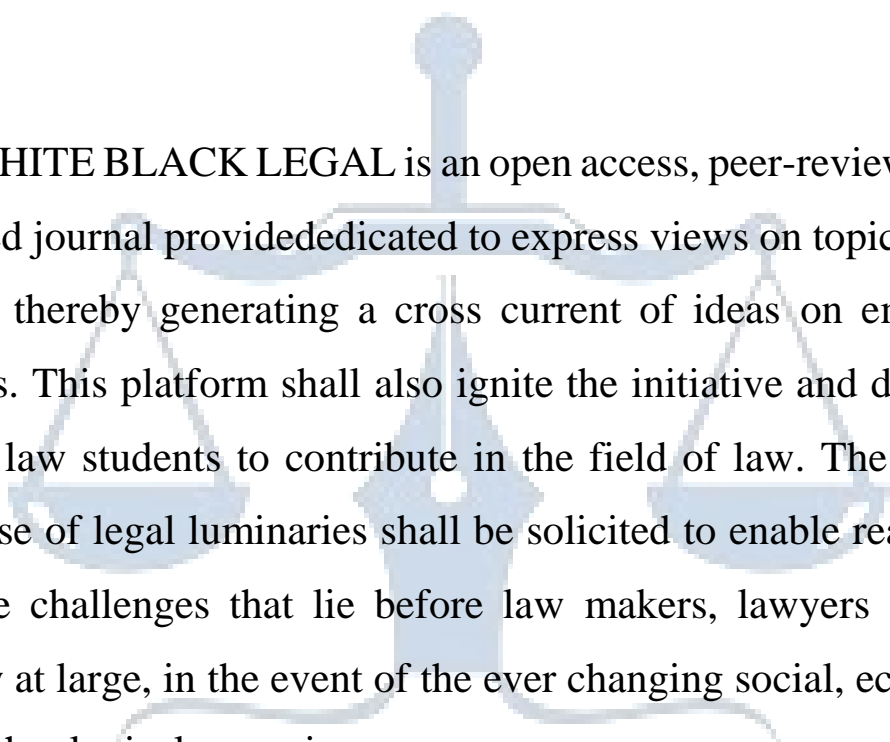


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With this thought, we hereby present to you



IMPACT OF MANEKA GANDHI CASE IN THE PRESENT ERA (W.R.T GOOD GOVERNANCE)

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ABSTRACT

The **Maneka Gandhi v. Union of India** case serves as a constitutional landmark that significantly broadened the interpretation of Article 21, intertwining it with Articles 14 and 19, thereby enhancing the scope of personal liberty and good governance in India. This article delves into the judicial evolution from restrictive interpretations of fundamental rights to a more expansive view that emphasizes fairness, reasonableness, and justice. It highlights how the Maneka Gandhi case laid the foundation for procedural safeguards, including post-decisional hearings, and influenced modern administrative law, setting standards for good governance. The case's impact is examined in relation to transparency, accountability, and the rule of law, which are pivotal characteristics of good governance. By exploring how the judgment addressed the balance between individual rights and state power, the article demonstrates the enduring relevance of the case in ensuring that executive actions align with the principles of fairness and constitutional governance. The article also analyzes the continuing influence of this case on subsequent judicial decisions, contributing to a wider understanding of liberty and governance in the contemporary legal and political framework of India.

BACKGROUND OF THE CASE

“The right of personal liberty as understood in England means in substance a person’s right not to be subjected to imprisonment, arrest, or other physical coercion in any manner that does not admit of legal justification.” – A.V. Dicey.

In the case of *A.K. Gopalan v. State of Madras*¹, the concept of "personal liberty" was first taken into consideration. A.K. Gopalan was detained under the Preventive Detention Act;

¹ *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27.

therefore, he challenged the Act on the basis that it violated his right under Article 19(1)(d), i.e., the Right to move freely. He argued that,

- (1) Personal liberty is protected under Article 21, which also includes the right to move freely.
- (2) Article 19 is a substantive right, and Article 21 is a procedural right; both the Articles should be read together.
- (3) The "procedure established by law" actually meant "due process of law," and the law established should be in conformity with the principle of natural justice.

The Supreme Court rejected the contentions and held that personal liberty can only be infringed in two ways:

- (1) If there is any physical restraint without the authority of law,
- (2) In cases of coercion.

Here, the Supreme Court narrowly interpreted the concept of personal liberty under Article 21. The Supreme Court also held that the meaning and scope of the term "liberty" is wider under Article 19 than the term "personal liberty" under Article 21, and it is not mandatory that "law" under Article 21 should necessarily be in conformity with the principle of natural justice.² Both the Articles can't be read together as both of the Articles deal with two different aspects of liberty. However, Justice Faizal Ali gave a dissenting opinion that "the right to life under Article 21 does constitute the principle of natural justice, and the procedure should be just, fair and reasonable."³ This restrictive interpretation of personal liberty has not been followed in a later case, i.e., the Kharak Singh case.⁴ where the Supreme Court held that "personal liberty was not only limited to bodily restraint but was used as a compendious term including within itself all the varieties of rights which go to make up the personal liberty of man other than those dealt with in Art. 19(1)."

Article 21 guarantees the right to life and personal liberty against the arbitrary action of the executive only before the Maneka Gandhi case and not against legislative action. After this case, protection was extended against legislative action as well.

² Maneka Gandhi's case is not only a landmark case for the interpretation of Article 21, but it also gave an entirely new viewpoint to look at in Chapter III of the Constitution. Prior to Maneka Gandhi's decision, Article 21 guaranteed the right to life and personal liberty, *Legal Services India*, <http://www.legalservicesindia.com/article/717/Maneka-Gandhi.html> (last visited Jan. 16, 2024)

³ *Maneka Gandhi v. Union of India – Case Summary*, *Law Times Journal*, <http://lawtimesjournal.in/maneka-gandhi-vs-union-of-india/> (last visited Jan. 16, 2024).

⁴ *Kharak Singh v. State of UP*, (1964) 1 SCR 332.

There has always been a tussle between the Government and the Judiciary in order to show who is supreme. Before the enactment of the Passports Act of 1967, in the Satwant Singh Case⁵ The court held that under the purview of Article 21, every person has the right to travel abroad and re-enter. This is the main reason why the Legislature came up with legislation in order to put some restrictions on the wider interpretation of the Supreme Court in the Satwant Singh Case.

FACTS OF THE CASE

- On June 1, 1976, under the Passports Act of 1967, Maneka Gandhi(Petitioner) was issued a passport.
- In July 1977, a letter from the regional passport officer in Delhi was sent to Maneka Gandhi intimating to her that "in the public interest," it was decided by the Government of India to impound her passport under section 10(3)(c) of the Passports Act, 1967.

Section 10(3)(c) states that;

“If the passport authority deems it necessary so to do in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country, or in the interests of the general public.”

- Within seven days after receiving the letter, she has to surrender her passport. Immediately, she wrote a letter to the Regional Passport Officer asking on what ground or reason her passport was impounded as provided under section 10(5) of the Passports Act, which states that;

“Where the passport authority makes an order varying or canceling the endorsements on, or varying the conditions of, a passport or travel document under sub-section (1) or an order impounding or revoking a passport or travel document under sub-section (3), it shall record in writing a brief statement of the reasons for making such order and furnish to the holder of the passport or travel document on demand a copy of the same unless in any case, the passport authority is of the opinion that it will not be in the interests of the sovereignty and integrity of India, the security of India, friendly relations of India with any foreign country or in the interests of the general public to furnish such a copy.”

- In reply, the authorities stated that "the reasons are not to be specified in the interest of the general public."

⁵ *Satwant Singh Sawhney v. D. Ramarathanam*, (1967) 3 SCR 525.

- In response to this, Maneka Gandhi filed a writ petition under Article 32 saying that section 10(3)(c) is ultra vires and it is violative of fundamental rights under Articles 14, 19, and 21.

ISSUES

1. Whether there is a nexus between Articles 14, 19, and 21.
2. Whether Article 21 also includes the right to travel abroad and re-enter.
3. Whether it is reasonable or not, a legislative law takes away the right to life.
4. What is the scope of “procedure established by law” under Article 21?

ARGUMENTS

Arguments advanced by Petitioner

1. The concept of "personal liberty" under Article 21 is inclusive of the "right to travel abroad." Therefore, no citizen can be stopped from enjoying this right except according to "procedure established by law."⁶ Section 10(3)(c) is violative of Article 21.
2. There is no procedure prescribed under the Passports Act of 1967 for impounding the passports of its holders. Hence, this promotes arbitrariness and unreasonableness.
3. By not giving the petitioners an opportunity to be heard, the Government violated Article 21 of the Constitution. "Audi alteram partem" is an important component under the principles of Natural Justice, i.e., the right to be heard. Even if it is not expressly mentioned in any provision of the Constitution, no one can be deprived of it.
4. The procedure established by law should be reasonable, fair, and just despite the fact that India has not adopted American "due process of law" in its Constitution.
5. Articles 14, 19 and 21 should be read together so that they will affect the spirit of the Constitution and Constitutional makers, though they are not mutually exclusive.⁷

Arguments advanced by Respondent

1. As the Petitioner was required to appear before some committee for inquiry, her passport was impounded. It was also argued by the state that the "Right to travel abroad"

⁶ *Maneka Gandhi v. Union of India Case Analysis (Interconnection between Articles 14, 19 and 21)*, Law Circa, <https://lawcirca.com/maneka-gandhi-v-union-of-india-case-analysis-interconnection-between-articles-14-19-and-21/> (last visited Jan. 17, 2024).

⁷ *Case Summary: Maneka Gandhi v. Union of India (1978)*, Legal Bites, https://www.legalbites.in/case-summary-maneka-gandhi-v-union-of-india-1978/#_ftn2 (last visited Jan. 17, 2024).

is not mentioned in the Constitution. Therefore, Section 10(3)(c) is not violative of Article 21.

2. There cannot be any compulsion on the Government to provide reasons for impounding someone's passport if it is being done for public good and national safety.
3. The court should not follow the principles of Natural Justice as these are ambiguous and vague. As per the principles laid down in the case of A.K. Gopalan, the word "law" under Article 21 shall not be interpreted on the basis of fundamental rules of natural justice.
4. In order to prove any law as violative of Article 21, it also has to be proved that Articles 14 and 19 are getting directly infringed because the scope of Article 21 is very wide, and it is inclusive of the provisions of Articles 14 and 21.
5. "Due process of law" is an American concept and "procedure established by law" is a British concept. While drafting the Constitution, the makers adopted a "procedure established by law"; hence, we should protect the minds and spirit of makers.⁸

JUDGEMENT

On 25th January 1978, the decision was made by a 7 Judge Bench, and this was a unanimous decision, in which some judges had concurring opinions or points. From 7 separate opinions, Justice Chandrachud, Justice Iyer, and Justice Beg (CJ) wrote separate but concurring opinions, and the rest of the majority opinions were given by Justice Bhagwati on behalf of Justice Utwalia and Justice Fazal Ali.

The findings of the court are as follows:

- (i) Even if the concept "procedure established by law" has been used instead of "due process of law" under Article 21, the procedure can't be irrational and arbitrary.
- (ii) The court gave an expansive or liberal interpretation of Article 21 and held that we could not narrow down the scope of the concept of "personal liberty." Article 21 can be expanded in such a way that it can cover all the fundamental rights.
- (iii) The court held that a unique relationship exists between Articles 14, 19, and 21. They are dependent on each other and have to be read together. Earlier, it was held that these articles in themselves are mutually exclusive in the case of A.K. Gopalan, which was overruled in this case.⁹

⁸ *Ibid.*

⁹ *Case Summary: Maneka Gandhi v. Union of India (1978), Legal Bites, https://www.legalbites.in/case-summary-maneka-gandhi-v-union-of-india-1978/#_ftn2 (last visited Jan. 17, 2024).*

- (iv) Article 21 also guarantees the right to travel abroad, which was also decided in the case of Satwant Singh.
- (v) On the grounds of reasonableness, ultra-vires, against the principle of natural justice, etc., an administrative order can be challenged. In this case, the sections dealing with administrative actions are Section 10(3)(c) and 10(5) of the Passports Act.
- (vi) Article 10(3)(c) is violative of Article 21 as there was no procedure mentioned in the section. This section also imposes unreasonable restrictions on Articles 19(1)(a) and 19(1)(g), which are not even there in Articles 19(2) and 19(6), which deal with reasonable restrictions. This section is also violative of Article 14 as it gives undefined power to the passport authority, which they can use as per their whims and fancy in the name of the "interest of the general public."¹⁰
- (vii) Privileges given under Section 10(5) have to be rarely used by the authorities, and it is suggested that they should provide reasons as well while using this provision.
- (viii) Rights are beyond the territorial limit of India, which are discussed under Article 19(1)(a) and 19(1)(g).
- (ix) Constitution makers were never of the mindset that the procedure need not necessarily be fair, reasonable, and just as they made the constitution in order to protect the "people of India" from arbitrary actions. If the compulsion of procedures to be just, fair, and reasonable will not be there then it will have an adverse effect like a self-destructive bomb placed in the heart of the Constitution.

CRITICAL ANALYSIS

The Supreme Court, in this case, rectified the mistakes in a commendable way, which was made earlier in the decision of A.K. Gopalan. This decision of the court will serve the common people.

The court did the right thing by rejecting some of the vague contentions of the respondent, like procedures established by law need not necessarily be just, fair, reasonable, and another contention, i.e., the law is invalid only if it has been repealed by the Legislature. The liberal interpretation was given to personal liability and the right to life by the rejection of the faulty

¹⁰*Maneka Gandhi v. Union of India Case Analysis (Interconnection between Articles 14, 19 and 21)*, Law Circa, <https://lawcirca.com/maneka-gandhi-v-union-of-india-case-analysis-interconnection-between-articles-14-19-and-21/> (last visited Jan. 17, 2021).

arguments of the respondent.¹¹

In this case, a new doctrine, i.e., Post-decisional hearing, was evolved. It means the hearing which takes place after a provisional decision has been reached. There is a relationship between post-decisional and pre-decisional hearings. In order to maintain administrative fairness, this doctrine was established.

In cases where it is not feasible to conduct pre-decisional hearings, then there should be post-decisional hearings. For example, in cases of an impounding passport, if a prior notice is given, then there is a high possibility that the concerned person may leave the country on such notice. Hence, in such a scenario, a post-decisional hearing is better, i.e., impounding the passport first and then providing him/her with the opportunity to hear. But Justice Chandrachud was against this particular notion.

It can be derived that the exception to post-decisional hearing is "Audi Alteram Partem," which states that immediately after an order is made, the person should be provided a fair opportunity to be heard. For an aggrieved party, a pre-decisional hearing will always provide better safeguards.

The court also held that if there is a procedure established by law and it is somehow curtailing personal liberty, then it has to pass the "test of reasonability," i.e., the procedure has to be just, fair, and reasonable. After the liberal interpretation of this case, there was no more difference between "procedure established by law" and "due process of law," and both of them are now inclusive under Article 21. Justice Bhagwati, also in support of this, stated that "there is a unique relationship between the provisions of Article 14, 19 and 21 and every law must pass the test of the said provisions."

Justice Iyer opined that "no Article in the constitution is an island in itself," which means Fundamental Rights are mutually dependent on each other, and they are not distinct. He also mentioned that "Travel makes liberty worthwhile," which means every person has the right to travel abroad, and it cannot be deprived unnecessarily.

¹¹ *Maneka Gandhi v. Union of India and Another, Casemine*, <https://www.casemine.com/judgement/in/5609abd1e4b014971140d6b0> (last visited Jan. 19, 2024).

Every cultural and socio-economic right was inserted by the court in every possible way under the scope of Article 21. Wherever the ratio of this judgment was applied, it held the right to freedom from noise pollution¹², right to livelihood¹³, right to clean environment¹⁴, right to medical care¹⁵, speedy trial¹⁶, legal aid¹⁷, right to food¹⁸, right to clean water¹⁹, right to clean air²⁰ and recently, the right to privacy²¹ as a part of Article 21, i.e., the right to life and personal liberty.²²

THE IMPLICATIONS OF THE MANEKA GANDHI CASE IN THE PRESENT ERA

What Is Good Governance?

The terms Governance and Good Governance are terms that are becoming increasingly important in the present era. Governance, in simple terms, refers to the management of a country's resources and also includes the manner and process of decision-making. In layman's terms, Governance is what governments do. However, the list is not exhaustive. The government is not the only actor who plays a role in this governing process. The others involved may be NGOs, research organizations, cooperatives, associations, and political parties as well. This happens mostly at the rural level. A few more dimensions can be added at the national level. Media, multinational corporations, and lobbyists may have an impact on the decision-making process, at least to some extent.

Also, governance is not something that is limited to governments alone. It is prevalent in almost all types of organizations, such as families, businesses, gangs, religious denominations, and state and international organizations. Governance is about organizing following a set of rules, regulations, and laws to ensure that an organization runs smoothly and efficiently and delivers productive results. The word governance can be traced back to the word *kubernaein* (Greek origin), which means to steer.

¹² *In Re: Noise Pollution*, (2005) 5 SCC 733.

¹³ *Olga Tellis & others v. Bombay Municipal Corporation*, 1986 AIR 180.

¹⁴ *Rural Litigation and Entitlement Kendra v. State of UP & others*, 1985 AIR 652.

¹⁵ *Pt. Parmanand Katra v. UOI*, 1989 AIR 2039.

¹⁶ *Hussainara Khatoon & others v. Home Secretary, State of Bihar*, 1979 AIR 1369.

¹⁷ *Khatri and others v. State of Bihar and others*, (1981) 1 SCC 627.

¹⁸ *Kishen Patmayak v. State of Orissa*, AIR 1989 SC 677.

¹⁹ *M.C. Mehta v. UOI and others*, 1988 AIR 1115.

²⁰ *M.C. Mehta (Taj Trapezium Matter) v. UOI*, (1997) 2 SCC 353.

²¹ *K.S. Puttaswamy v. UOI*, (2017) 10 SCC 1.

²² *Maneka Gandhi v. Union of India – Case Summary*, *Law Times Journal*, <http://lawtimesjournal.in/maneka-gandhi-vs-union-of-india/> (last visited Jan. 16, 2024).

Good governance has strong connections with administrative law. It can be considered as a normative aspect of administrative law. It puts positive obligations on the state to ensure certain fundamental values like prevention of corruption, efficiency, and quick responses in a civil society. It can also be termed as the art of statecraft.

The United Nations ESCAP says that good governance is ideal, and the states need to keep a check on a variety of factors to ensure that good governance is being exercised. Not many states have been able to achieve good governance in a true form. It also lists certain features that form the essence of good governance.

It also acts as a tool for conducting public affairs as well. So, there is no fixed definition of good governance. However, there are certain characteristics of good governance that remain the same despite the various levels of governance.

Characteristics Of Good Governance

PARTICIPATORY BEHAVIOUR

So, good governance tends to encourage participatory behavior. Participation has to come from each and every member of the society. It has to take views of all the sections of society, including the vulnerable sections. The participation also has to be informed and systematic. There has to be a balance between the freedom of being able to form an association and also preventing any chaotic atmosphere.

RULE OF LAW

The rule of law is considered to be the essence of constitutionalism. The rule of law and not the rule of man is the crux of good governance. The concept of limited government. This means that no power is absolute in nature. There has to be a system of checks and balances. The presence of checks and balances and the proper functioning of checks and balances are equally important. Adhering to the principles of natural justice is like giving an opportunity to hear both sides. As far as the judiciary is concerned, to not hear cases when the judges have some interest involved.

TRANSPARENCY

The governing process has to be transparent. There should not be any shady business involved. The people in any nation-state put their faith in the people who hold power to govern the state.

They trust the people in power to ensure that everything will happen in an unbiased manner, that they fulfill their duties and responsibilities, and that they work towards the progress of the country. Transparency will help people be aware and informed of whatever is happening around them, and they should also have the right to know.

RESPONSIVENESS

The more responsive the government, the more it indicates that it is actively working on governance, and it will also maintain the interest of the public with respect to any decision-making process. Otherwise, eventually, the relationship will steer towards stagnancy.

CONSENSUS ORIENTED

When you are governing the country, you need to keep future aspects in mind as well. The general public should be provided with some medium or platform where they can express their views or opinions. Or they can pitch their ideas and suggestions. A broad consensus will help the governing bodies to understand and analyze the needs and the mindset of the people.

EQUITY AND INCLUSIVENESS

The well-being of society also depends on the fact that no one feels excluded. Everyone should feel that their interests are also being considered like the others. Those who are not in a privileged position should be provided a platform to reach the same level as those who are in the advantageous section of society.

EFFECTIVENESS AND EFFICIENCY

The entire idea of good governance will go down the drain if no effective results are produced. The goal is to see the required changes and progress of the society. The smooth running of the state. As far as efficiency is concerned, sustainable development practices should also be kept in mind. Environmental protection is also important.

ACCOUNTABILITY

The governing bodies need to be accountable to the people who will be affected by their decisions. It is a key requirement of good governance. The rule of law is essential in order to get accountability. So is transparency.

Maneka Gandhi Case And How It Influenced Good Governance

The judicial thought process before the Maneka Gandhi case undermined the importance of personal life and liberty. From a constitutional point of view, it serves as a major landmark decision and judgment. It expanded the scope of Article 21 under the Constitution. It introduced the concept of due procedure established by law. It is important from the angle of individual liberty. It is one of those classical cases which set the benchmark. However, it also has made a significant contribution to administrative law in the form of good governance.

Good governance and Administrative law are two concepts that go together. Administrative law, which does not include good governance as the fundamental part of it, has no value. Good governance is like the fire that keeps the candle burning. It is something that is to be observed and felt. The issue with good governance is that it does not have an exact definition. The scope is not fixed. It can mean different things to different individuals. So, it, in a way, allows the user to set its own boundaries and parameters.

Also, the functions and duties of the government have gradually increased and become more layered, given the welfare state that we live in at present. This necessarily calls for efficient management and governance by those who are in positions of authority. This is where administrative law comes in. A set of rules and regulations combined with the element of good governance.

The Maneka Gandhi case sheds light on both the aspects of procedure established by law and due process of law. The focus was on expanding the scope of personal liberty. Justice Bhagwati, in the judgment, has also emphasized how any law must be just, fair, and reasonable in case it hampers personal liberty. He calls it the triple test, under which a procedure has to be laid down; the procedure must be consistent with Article 19 and Article 14. It clearly has had an impact on the scope of personal liberty. The Maneka Gandhi case has widened the scope of liberty.

The Maneka Gandhi Case makes an important contribution to administrative law by introducing the concept of post-decisional hearing. It can be traced back to the natural justice principle of Audi alterem partem. This means that both sides should be given equal opportunities to be heard. We are aware that there are certain exceptions to natural justice principles, such as emergencies, public interests, administrative matters, and others. The idea

is that if immediate action is not taken, it will defeat the purpose of the action. It may lead to further harm, which was supposed to be prevented.

However, it cannot be denied that administrative authority holds an immense amount of power. So there has to be a check on their power, too. Otherwise, it will give scope for abuse of power. The equivalent term for these administrative actions in the U.S. is summary powers. While these powers are necessary, the individual also needs some sort of protection in case the administrative authority exercises its power in an unjust and arbitrary fashion.

Bernard Schwartz also stresses the fact that even though the ordinary course of nature is to provide a hearing before the authority acts, a hearing may be afforded after the act is done. Besides, it is nowhere written in absolute terms that a hearing necessarily has to be a prior hearing.

Armstrong v. Manzo states that the hearing should be granted at a meaningful time and in a meaningful manner. There should be a prudential inquiry that happens on a case-by-case basis.

In the Maneka Gandhi case, the administrative authority was also of the view that the action had to be taken immediately; otherwise, the entire purpose of impounding her passport would have been defeated. So, going by this logic, the principle of Audi alterem partem would have been excluded. However, Justice Bhagwati gave a pretty broad interpretation. He was of the opinion that the rule of Audi alterem partem is a cardinal rule. Therefore, it should be given priority to the maximum possible extent. The contention that the purpose of impounding the passport would have been defeated with the hearing does not seem to be reasonable. Even if the impounding was done earlier without the hearing, it should be ensured that the hearing is conducted later. This is what gave rise to the concept of post-decisional hearing.

It also sheds light on the concepts of due process and procedure established by law. The majority in the seven-judge bench declared that apart from procedure, the law must also be fair, reasonable, and just. Arbitrary laws must not be considered even in the presence of laws. The Sunil Batra case has added more clarity on this, basing it on the Maneka Gandhi Judgment. It has also, in a way, brought a change in the roles of the Supreme Court from just simple monitoring to becoming guardians of the fundamental rights of people. It has tried to understand the intention of the framers and how it does not aim at taking a narrow view of

these rights so that people are at the mercy of the state. Hence, they have stressed giving the widest possible view, which will enhance the dignity and individuality of a person.

So, good governance can mean multiple things to multiple people. There are no clear demarcations as to what is excluded and what is not. So, it pretty much encompasses a wide range of concepts from the rule of law to transparency and accountability and participation, responsibility, tolerance, and other values. However, the essential relationship in good governance lies between the government and the people whom it governs. The judgment in the Maneka Gandhi case presents how the judiciary can act as a means to promote good governance. It indeed plays a crucial role. Our country primarily consists of three divisions. That is the Legislature, executive, and judiciary. Now, as far as the Legislature and judiciary are concerned, they have their work defined. The executive, which basically runs the administration of the country, does not have any clear boundaries as such. The lack of a clear boundary gives more power as it includes all residuary powers that are excluded from legislative and judiciary actions. It makes the executive extremely powerful. We cannot deny the fact that the more power someone has, the more likely it is to abuse it. J. W. Garner says, "In a broad and collective sense, the executive organ embraces the aggregate or totality of all the functionaries who are concerned with the execution of the will of the state as that will have been formulated and expressed in terms of the law." The administrative authorities play a vital role in ensuring that good governance practices are being followed to ensure the smooth running of the country. Hence, it is fundamental that they act in a fair and reasonable manner. Sir Robin Coke also stated that "The Administrative Authorities must act fairly, reasonably and according to law. This is the essence of administrative law." Justice Douglas, in the case of *US v. Wunderlich*, has stated that "Where discretion is absolute, man has always suffered. Absolute discretion is more destructive of freedom than any of man's other inventions." So, it is the duty of the concerned administrative authorities to give the people assurance that the discretion given to the administration is being used for the benefit of the people. Individual facts and circumstances are being taken into consideration, and decisions are being made accordingly. Judicial control is the key to ensuring that the idea of good governance is being realized to the fullest extent and that the effects are being seen. George Washington has also stated that "The administration of justice is the first pillar of good governance." Even Lord Bryce has mentioned that "There is no better test of the excellence of a government than the efficiency of a judicial system; for nothing more clearly touches the welfare and security of the average citizen than the feeling that he can rely on the certain and prompt administration of justice."

There may be a number of laws, rules, es, and regulations, but when it comes to the resolution of disputes, it is the court that takes charge of the situation. Following the Maneka Gandhi Judgment, we cannot deny that the Supreme Court has made a significant contribution to good governance. It covers all aspects like human rights, fundamental rights, environment protection, police reforms, elections, and other areas. The list is not exhaustive. It has expanded the scope of fundamental rights continuously and has upheld the dignity of individuals in the true spirit of governance.

In the case of *Unnikrishnan v. State of UP*²³ The court definitely expanded the scope of Article 21. It included rights such as the right to go abroad and the right against delayed execution, solitary confinement, and handcuffing as well.

In *Francis Coralie v. Union Territory of Delhi*²⁴ The court highlighted how the right to interact with members of the family and also the right to interact with our lawyer comes under the purview of Article 21.

In *Mithu v. State of Punjab*²⁵ The court cited the Maneka Gandhi case and held that the right to be heard would become futile as the sentence in question was of a mandatory nature. This at least saves the prisoner from having false hopes of gaining any change in the consequences.

These are only a few instances. However, the case has completely led to a paradigm shift in terms of good governance and the scope of Article 21. The right to personal liberty and life is a key factor in enhancing good governance. This case has broadened the scope and has made it more inclusive. It has ensured that now, when you talk about the right to life and liberty, you need to look at it from a bigger angle, the main focus being individual rights and freedom. The post-decisional hearing was a first. This has reiterated how the executive power needs to be checked to curtail abuse of power. It has highlighted the importance of good governance and how the administration while giving out orders, needs to keep this in mind. So, this particular judgment is pretty important and has been referred to whenever needed. It has added colors to a rather colorless approach taken by the executive.

²³ *Unnikrishnan v. State of UP*, (1993) SC 2178.

²⁴ *Francis Coralie v. Union territory of Delhi*, (1981) SCR (2) 516.

²⁵ *Mithu v. State of Punjab*, (1983) SCR 690.