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Supreme Court: Right to Travel Abroad Under Article 21 Is Not Absolute

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Supreme Court: Right to Travel Abroad Under Article 21 Is Not Absolute

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✓ Every fact web-verified against primary sources **HOW**

WHY IN NEWS

The **Supreme Court**, in **Seesa Santosh v. State of Telangana (2026 INSC 628)**, held that the **right to travel abroad under Article 21** of the Constitution is a part of personal liberty but is **not absolute**. It must be balanced against the complainant's **right to a speedy trial** and the larger societal interest in the effective administration of criminal justice. The Court set aside a Telangana High Court order that had allowed an accused to travel to the United States for medical treatment.

WHAT THE COURT HELD

ASPECT	DETAIL
Case	Seesa Santosh v. State of Telangana, 2026 INSC 628
Bench	Justice Dipankar Datta and Justice Satish Chandra Sharma
Core holding	Right to travel abroad is part of Article 21 but not absolute
Balancing test	Individual liberty vs. speedy trial and societal interest in justice
On the HC order	Found the High Court "indulgent" in allowing foreign travel
Relief	Restored the Magistrate's order; accused barred from leaving the country without the Sessions Court's permission
Passport	Not impounded

The case arose from a prosecution for abetment of suicide. The accused sought permission to travel to the US for medical treatment, which the High Court granted. The Supreme Court reversed this, noting that medical facilities in India are comparable to those abroad and that the right to travel must yield to the complainant's interest in a timely trial.

THE CONSTITUTIONAL BACKGROUND

The right to travel abroad has a well-established constitutional pedigree, and so does the right to a speedy trial. Both flow from Article 21.

CASE	PRINCIPLE
Satwant Singh Sawhney v. D. Ramarathnam (1967)	The right to travel abroad is part of “personal liberty” under Article 21; arbitrary passport refusal is unconstitutional
Maneka Gandhi v. Union of India (1978)	Article 21 requires a “procedure established by law” that is just, fair and reasonable; the right to travel abroad is part of personal liberty
Hussainara Khatoon v. State of Bihar (1979)	The right to a speedy trial is a fundamental right under Article 21

The 2026 judgment sits squarely in this line: it does not deny the right to travel abroad, but holds that it must be **balanced** against another Article 21 right, the right to a speedy trial.

WHY IT MATTERS

The ruling illustrates a recurring principle of constitutional law: **fundamental rights are not absolute**. They can be subjected to reasonable restrictions and must be weighed against competing rights and public interest.

- It applies the **doctrine of proportionality**, balancing individual liberty against the collective interest in justice.
- It reaffirms the **speedy trial** as a fundamental right, not a mere procedural courtesy.
- It guides trial courts on how to handle foreign-travel requests by accused persons without impounding passports outright.

UPSC RELEVANCE

Prelims

- Case: **Seesa Santosh v. State of Telangana, 2026 INSC 628**; bench: **Justices Dipankar Datta and Satish Chandra Sharma**
- Right to travel abroad is part of **Article 21** but **not absolute**
- Foundational cases: **Satwant Singh Sawhney (1967)**, **Maneka Gandhi (1978)**
- Right to **speedy trial** is a fundamental right under Article 21 (**Hussainara Khatoon, 1979**)

Mains Angles

- 1 **GS2 Fundamental Rights:** “Fundamental rights are not absolute.” Discuss with reference to the balancing of competing Article 21 rights.
- 2 **GS2 Judiciary:** Examine the doctrine of proportionality in adjudicating conflicts between individual liberty and the public interest.

FACTS CORNER

FACT	DETAIL
Case	Seesa Santosh v. State of Telangana (2026 INSC 628)
Right at issue	Travel abroad under Article 21
Holding	Part of personal liberty but not absolute
Balanced against	Right to speedy trial (Article 21)
Travel-abroad foundation	Satwant Singh (1967), Maneka Gandhi (1978)
Speedy-trial foundation	Hussainara Khatoon (1979)
Relief	No foreign travel without Sessions Court nod; passport not impounded

Sources: *Verdictum*, *LiveLaw*, *Law Trend*

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