Right to Travel Abroad vs Victim's Right to Speedy Trial

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Why in News?

Recently, The Supreme Court held that the fundamental right to travel abroad under Article 21 cannot be viewed in isolation and must be balanced with the victim's right to a speedy trial.

Case Background

- **Background (2014) –** Complaint filed on suspicious death; FIR under IPC Sections 306 (abetment of suicide) & 120B (criminal conspiracy).
- **Accused's Actions –** Businessman sought repeated relief, Look out Circular (LoC) suspended; left India in 2017, returned in 2025, arrested at Hyderabad airport.
- **Court Orders –** Telangana High Court allowed foreign travel for medical treatment but Supreme Court held comparable facilities exist in India.
- **Direction –** Passport release is not automatic permission; accused must seek court approval.
- **Principle –** Article 21 liberty (right to travel abroad) is not absolute; must be balanced with victim's right to speedy trial and societal interest in effective criminal justice.

Key Takeaways

- **Article 21 –** A Fundamental Right *protects life and personal liberty.*
  - **Right to Travel Abroad –** Included under Article 21 but subject to reasonable restrictions.
  - **Speedy Trial –** Recognized as an essential part of Article 21.
- **Doctrine of Proportionality –** Any restriction on a fundamental right must be reasonable, necessary, and proportionate to the aim sought.
- The State cannot impose excessive or arbitrary restrictions; the measure must balance individual liberty with public interest.
- **Doctrine of Harmonious Construction –** When 2 constitutional

provisions or rights appear to conflict, courts interpret them in a way that gives effect to both, avoiding inconsistency.
- Rights are not read in isolation; they must be harmonized to preserve the spirit of the Constitution.

References

1. The Hindu | Article 21
2. Deccan Herald | Article 21

