

CASE COMMENTARY ON A K GOPALAN VS STATE OF MADRAS

AUTHOR – PRATYUSH & DIPU KUMAR, STUDENT AT JAMIA MILLIA ISLAMIA & PRATYUSH, STUDENT AT MIT-WPU SOL

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ABSTRACT

AK Gopalan was a communist leader who was mainly active in the Madras Presidency (which is now called Kerala). He was detained in Madras jail, and whenever he came out of jail, a new custody order was issued against him, and he had to go to jail again. After several years custody, he challenged his preventive custody. A Gopalan argued that this long-term custody violated his life and personal freedom guarantee under Article 21 of the Indian Constitution. The case of Gopalan vs. State Madras, 1950 SCR 88 was a historic matter in India, which was settled with the fundamental rights of the citizens under the Indian Constitution. The Gopalan of a Communist Party leader was arrested under the 1950 preventive custody Act, which allowed the government to custody individuals without testing for two years.

Gopalan challenged the validity of this Act that it violated its fundamental rights, which includes the right to personal freedom and right test. However, the Supreme Court of India retained the validity of the preventive custody Act, explaining that this constitution was not violated. This case established this theory that the Indian Constitution has not guaranteed full personal freedom and the government can limit individual rights for big public interest. The decision was widely criticized for giving a lot of power to the government to reduce personal independence, but it also determines the forum for future debate on the balance between personal rights and state power in India.

KEYWORDS:

Supreme Court, state, Constitution, Madras, union

Facts

In this case, the appellants, one of the usually known as AKG, was an Indian Communist leader who served the Indian Communist Party for many years. He was detained under the 1950 preventive custody act. According to his dispute, he was taken into detention in jail from 1947 without any test. They were made responsible under criminal laws which were set aside. Even the Madras Government passed an order to March 1, 1950, when it was still in jail. He argued that the principles of natural justice were not followed in their case and they were not given proper hearing. Mr. Gopalan filed a petition under Article 32 (1) of the Indian Constitution under Habeas Corpus Rit, against the service order under section 3 (1) of 1950 prevention. He argued that the order passed under the prevention and detention act is violating it, the fundamental right under the Article 14, 19, and 21 of the Constitution. He further said that the order issued against him was done with the fide intentions. By this he was argued that under Article 21 'process established by law' means the proper procedure of law. Talking about his scenario, the process established by the law was not followed and therefore it is a violation of Article 21 of the Indian Constitution

Issue

- Whether the Indian Constitution's Articles 19 and 21 are violated by the Preventive Detention Act of 1950.
- Are Articles 19 and 21 of the Indian Constitution reliant on each other, and if so, what is the relationship between the Articles?
- Is Article 21 of the Indian Constitution's 'procedure established by law' the same as due process of law?

Petitioner Arguments

The petitioner AK Gopalan gave many arguments that challenge their custody under the preventive custody Act, 1950. Some of their main arguments were:

1. Preventive Custody Act violated its fundamental rights under the Constitution, especially under Article 21, the right to guaranteed personal independence.
2. The basis for his custody was ambiguous and arbitrarily, and he did not provide the opportunity to save himself.
3. The Act did not provide a fair and unbiased tribunal to decide on the validity of his custody.
4. This Act allowed the government to custody individuals without any judicial monitoring, which can be misused.
5. The act of the government was discriminatory and targeted and targeted of critics.

Overall, Gopalan argued that the act violated the principles of natural justice and rule of law, and it had an uncontrolled encroachment on personal freedom.

Respondent Arguments

The respondent, Madras State gave many arguments in support of the preventive custody Act, 1950. There were some major arguments made by the state:

1. Preventive custody was necessary to protect the security of the state and

public order, and there was a valid practice of the state's power.

2. The Constitution was not provided a complete right for personal freedom, and this right was subject to the proper restrictions.
3. This act has been provided for adequate security measures, such as the right to represent and hear the right, to ensure that the person in detention was not deprived of his independence.
4. Preventive custody was a preventive remedy, not punitive measures, and in the future the society was designed to prevent future losses.
5. This act was not discriminatory and all those persons were not implemented equally, who created a threat to public safety and order.

Overall, the state argued that preventive custody was an essential tool to maintain public safety and order, and this Act provided adequate security measures to ensure that the right to personal freedom was not improper.

Obiter Dicta

In the AK Gopalan V state of Madras case, the Supreme Court has several Binaries, or accidental comments, which had affected later legal development in India. In case there are some prominent views-

1. The opinion of the majority of the court said that the Constitution does not recognize a complete authority for personal freedom, and this right was subject to proper restrictions. It has been mentioned in the cases after proving justification for public safety and the right of personal freedom in the interest of the system.
2. Justice Kania argued in its unsatisfactory opinion that the right to individual independence was an essential part of human dignity, and without adequate security measures, preventive custody violated the principles of natural justice and rule. To prevent individuals without

testing, it has been courageous in cases after the logic for strong security and boundaries on the power of the state.

3. The court noted that preventive custody was an essential evil, which could be used to prevent future loss, but instead of punishing the wrong work. In case of this, it has been mentioned that preventive custody is an extraordinary solution, which should be used under minimal and strict procedural protection measures.

Overall, Obiter Dicta has influenced especially final legal development in India, especially in the field of preventive custody and under the purview of guaranteed rights under the Constitution.

Ratio Decidendi

The decision of this matter was given with the ratio of 5:1 majority by the constitutional bench of the Supreme Court. Justice Fazal Ali gave unsatisfactory opinion.

The ratio decidendi, or the legal principle established in the AK Gopalan v State of Madras case, was that preventive detention under the Preventive Detention Act, 1950 was constitutional and did not violate the fundamental rights of individuals guaranteed under the Indian Constitution. The majority opinion of the court held that Article 21 of the Constitution, which guarantees the right to life and personal liberty, does not recognize an absolute right to personal liberty and that this right is subject to reasonable restrictions. The court also held that the Preventive Detention Act provided adequate safeguards to prevent abuse of power and ensure that the detained person is not unreasonably deprived of his liberty.

Later rulings, particularly the Maneka Gandhi case (1978), which held that the right to personal liberty was not unqualified and that any limitations on it had to be just, fair, and reasonable, have criticised and distinguished this ratio decidendi. In following decisions, the

court has likewise ruled that preventative detention is an unusual tool that should only be employed under very specific conditions. The ratio decidendi of AK Gopalan therefore remains a part of Indian legal tradition, although later changes in Indian constitutional law have reduced its applicability and extent.

Judgement

The Supreme Court analysed the arguments of the parties and said that there is no connection between Articles 21 and 19 of the Constitution. The court further said that the principles of natural justice were not violated in this case. The court finally dismissed the writ petition filed by Mr. Gopalan.

A K Gopalan and State of Madras is a landmark case in Indian legal history. This is one of the important cases in which the Supreme Court of India interpreted the provisions of the Indian Constitution. The case set a precedent for how Indian courts would interpret and apply provisions of the Indian Constitution in future cases. It is also significant because it was one of the first cases in India to apply the principles of natural justice. The case is also significant because it established the principle that the Indian Constitution is a living document and can be interpreted in the light of changing times and circumstances.

The Doctrine of natural justice is a legal principle that holds that all persons are entitled to fair and impartial treatment. This principle requires that decisions are made without bias or prejudice and that all parties involved have an opportunity of being heard. The principle of natural justice states the following features

- No one shall be judged in his own case
- No one will be left unheard
- Everyone has the right to know the reasons for his decision.

In Newspaper Express Pvt Ltd vs Union of India (1958), it was held that an order passed by the court without hearing the other side would be treated as illegal. Hearing meets the basic criteria of Indian laws and is also a right.



Significance

A.K. In *Gopalan v. State of Madras*, the Supreme Court interpreted the meaning of Article 21 and restricted its true value by reducing it and ruled in favour of the government. However, in the bench of 6 judges, only Justice Fazal Ali was not in favour of this decision. He said that detaining someone without valid reasons and justification for detaining him is illegal and therefore violative of Article 21. Many years later, in the case of *Maneka Gandhi v. Union of India*, 1978, the Supreme Court overruled this decision and upheld the opinion of Justice Fazal Ali. The court further said that Article 21 of the Constitution has a wide scope

Conclusion

A K Gopalan v State of Madras is a landmark case in Indian legal history. The case set an important precedent for the fundamental rights of Indian citizens. It also helped define the concept of “due process” in India. Also, the case developed and explained the principle of natural justice which means that the administration cannot act arbitrarily. The concept of natural justice only talks about fairness and justice. The case is studied and referenced by law students across the country.