

alumnus Justice Vibhu Bakshi reaffirms Citizen Fundamental Rights



The Hon'ble Justice Vibhu Bakhu
BCom Hons 1987

New Delhi: The Delhi High Court has taken to task the Government for revoking the passport of an Indian citizen, who was living in Ukraine, to pressure him to settle a private financial dispute with some students there, saying the action was without authority of law.

The Court on 5.10.2017 directed the Government to forthwith return the passport of Rohit Goswami who was running a business abroad, rejecting its contention that the step was taken in public interest.

According to the Centre's counsel, the passport of Goswami, a doctor by profession, was impounded by the Indian Embassy at Kyiv in Ukraine as he had failed to comply with the directions to return the money taken from some students for exchanging it into local currency.

Justice Vibhu Bakhu said it was the conceded position that the Indian Embassy had taken away the man's passport to put "pressure" on him and the action taken by them was "wholly without authority of law and contrary to the provisions of the (Passport) Act".

"It is clear that the action of the Embassy officials ... take away the passport of the petitioner was a blatant abuse of their authority and wholly illegal. "The petitioner's protest that the First Secretary was blackmailing (used in the sense of coercing) the petitioner is thus, plainly admitted," the Court said.

It said the effect of cancelling Goswami's passport would effectively deprive him from carrying on his business which he had established in Ukraine and such an action of revoking his passport seriously curtails his fundamental rights.

"Plainly, such action which impinges on a citizen's fundamental rights, has to be justified by overwhelming public good and larger public interest, to fall within the scope of "in the interest of general public's as used in section 10 (3) (c) of the (Passport) Act," the Court said.

"The decision of revoking the petitioner's passport on account of a dispute relating to a private transaction, can under no circumstances be termed as 'in general public interest,'" the Court said.