



ADM JABALPUR V. SHIVKANT SHUKLA (1976)

Constitutional Interpretation & Basic Structure

PRELIMS SNAPSHOT

- Prelims Snapshot (Fact Box)
- 📅 Year: 1976
- ⚖️ Case: ADM Jabalpur v. Shivkant Shukla (also called the Habeas Corpus case)
- 👤 Bench Strength: 5 Judges
- 📖 Key Articles Involved: Article 21, Article 359(1), Article 226
- 🧠 Doctrine Evolved: Controversially held that Right to Life and Liberty is suspended during Emergency
- 💬 Famous Line (Criticised): "Even if a person is unlawfully detained, he has no remedy."

CONTEXT & BACKGROUND

During the Emergency (1975–77), the Indira Gandhi government suspended fundamental rights under Article 359. Thousands were arrested without trial. Multiple petitions were filed across High Courts



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challenging illegal detentions under Maintenance of Internal Security Act (MISA). The government appealed to the Supreme Court against High Court orders granting relief. The central question: Does the right to file a writ of habeas corpus survive during Emergency when Article 21 is suspended?

CONSTITUTIONAL ISSUES RAISED

- Can a citizen approach the court for protection of life and liberty during Emergency?
- Is Article 21 (Right to Life) completely suspended under Article 359(1)?
- Do courts retain judicial review powers during constitutional emergencies?

VERDICT & RATIO DECIDENDI

In a 4:1 majority, the Supreme Court held that:

- During Emergency, Article 21 is suspended, and hence no person can move court for violation of life or liberty
- Habeas corpus petitions are not maintainable



- The executive's actions were final, unless revoked by it or the legislature
- Justice H.R. Khanna dissented, stating: "Even in the absence of Article 21, the State has no power to deprive a person of life and liberty without the authority of law."
- His dissent is now regarded as one of the greatest judgments in Indian constitutional history.

DOCTRINE / PRINCIPLE EVOLVED

- Majority upheld the absolute power of the executive during Emergency
- However, Justice Khanna's dissent evolved the principle that some rights are so fundamental they cannot be suspended—even during Emergency
- This judgment was later overruled in K.S. Puttaswamy (2017) and repudiated by constitutional amendments



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IMPACT & LEGACY

- Widely criticised as a judicial surrender to authoritarianism
- Justice Khanna's dissent paved the way for the Basic Structure doctrine's resilience
- Led to the 44th Constitutional Amendment (1978), which:
- Made Article 21 non-suspendable even during Emergency
- Restored the right to move courts for unlawful detention
- Today, ADM Jabalpur is remembered as a constitutional cautionary tale



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RELEVANCE FOR UPSC

- GS Paper 2:
 - Emergency provisions, judicial independence, constitutional safeguards
 - Role of dissent in constitutional democracy
- GS Paper 4 (Ethics):
 - Courage, integrity, constitutional morality (Justice Khanna's stance)
- Essay Paper:
 - Ideal for essays on Safeguarding Liberty, Power and Accountability, Lessons from the Emergency
- UPSC Interview:
- Can be referenced in discussions on Emergency, balance of power, or ethical leadership in judiciary

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