

## **M.P. SHARMA VS. SATISH CHANDRA<sup>1</sup>**

*M.P. Sharma versus Satish Chandra*(1954) is a landmark case that sparked a debate regarding the right to privacy as a fundamental right. The case was used as a precedent for various later significant cases. The petitioner filed a writ petition against the searches conducted by the District Magistrate on the alleged grounds of embezzlement of funds. The petitioner invoked Article 19(1)(f), which guarantees the right to property, and Article 20(3), which ensures the right against self-incrimination.

The case started with a complaint against Dalmia Jain Airways Ltd., a company of the Dalmia Group, by the Registrar of Joint Stock Companies, Delhi. The investigation officer appointed under the Indian Companies Act found that through the false balance sheets and other necessary documents, the true state of the Company was concealed from the shareholders from the outset, to embezzle and misappropriate funds. A FIR was filed against the Company, and the District Magistrate issued search warrants to retrieve necessary documents from the places. The petitioner challenged the legality of these search warrants, arguing that they violate the right to acquire, hold or dispose of property enshrined under Article 19(1)(f) and the right against self-incrimination guaranteed under Article 20(3). The petitioner argued that the search warrants resulted in a violation of privacy. For this purpose, the petitioner cited the Fourth Amendment of the US Constitution, which guaranteed the right to privacy against unreasonable searches and seizures.

### **Question of Law**

The major question of law in front of the Court was whether the search warrants and seizure of documents were violative of the fundamental right to acquire, hold or dispose of property. Additionally, the right against self-incrimination was also discussed in detail. The petitioner had argued that this fundamental right should be extended to oral and documentary evidence as well. In this case, since documents were seized from houses as well, it was argued as a violation of Article 20(3). The court also dealt with the question of the right to privacy as a fundamental right in the US Constitution and its interpretation in the Indian context.

### **Judgment**

The court, in its judgment, held that the search and seizure warrants issued by the District Magistrate and the action taken after this were not violative of the right to acquire, hold or dispose of property. The court held that the search in itself does not prevent the petitioner from acquiring, holding or disposing of property. Also, the search and seizures were temporary in nature rather than permanent. Additionally, the constitution mentions the reasonable restrictions that can be invoked for the well-being of the general public. Thus, it is not the violation of Article 19(1)(f).

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<sup>1</sup> AIR 1954 SUPREME COURT 300

The major contention was regarding the limits of the right against self-incrimination. The petitioner had argued that the documents had been used as evidence and thus violated their right enshrined in Article 20(3). Examining the basis of this fundamental right, the court held that the scope of this article is not restricted only to the oral testimony but to documentary evidence as well. Any person who can be an accused in future should not be compelled to produce anything that violates such rights. However, in this case, the accused was not compelled to furnish documents; rather, it was the investigating authorities that produced the evidence. And since the accused was not part of the process of furnishing evidence, it cannot be regarded as a violation of Article 20(3). Regarding the Fourth Amendment of the US Constitution and the right to privacy, the court held that there are no such explicit provisions in the Indian Constitution. The state has an overriding power of search and seizure for societal welfare.

The *M.P. Sharma versus Satish Chandra* is a landmark case because it was the first one that invoked the right to privacy. The court in this case did not recognise any such right as a fundamental right. The case was used as a precedent in various and ultimately the judgment was overturned in 2017 by the Supreme Court in *Puttaswamy versus Union of India*.