

Article 21: The Right to Life Under the Indian Constitution

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Description:

This article of the Indian Constitution is one of the fundamental rights, stating that any of the person of the country should not be kept away from his personal life and liberty. While the text appears straightforward, its interpretation has evolved significantly over time to encompass a broad array of rights. The judiciary has played a central role in expanding its scope, transforming Article 21 into a cornerstone of human dignity and freedom.

This article explores the development of Article 21, highlighting the progressive judicial interpretations that have shaped it into a dynamic and living provision.

The Fundamental Essence of Article 21:

Article 21 is unique in its universal application, safeguarding the life and liberty of all individuals—citizens and non-citizens alike. The term "life" in Article 21 extend after the existence,

it has basically include the rights to basic things, employment and live with dignity. Similarly, "personal liberty" encompasses more than just protection from physical restraint, covering freedoms such as thought, movement, and privacy. Initially, the interpretation of Article 21 was restricted to its literal meaning, focusing solely on protection from arbitrary state actions. However, key judgments have expanded its scope, embedding principles of fairness, reasonableness, and procedural justice into its

framework.

Landmark Judgments Shaping Article 21:

1. **A.K. Gopalan v. State of Madras (1950): Narrow Interpretation**

In this case, the Supreme Court interpreted Article 21 in a limited manner, stating that the protection of life and liberty was contingent upon the "procedure established by law," even if the law itself was unjust. This interpretation allowed restrictive laws to remain valid as long as they followed prescribed procedures.

2. **Maneka Gandhi v. Union of India (1978): Broadening the Scope**

fareast-font-family:Calibri;
font-size:12.0000pt;">This case marked an important shift in the interpretation of Article 21. The Court ruled that the "procedure established by law" must be "fair, just, and reasonable," linking Article 21 to Articles 14 (equality before law) and 19 (freedom of speech and expression), thereby creating a more comprehensive framework for safeguarding individual rights.

3. Francis Coralie Mullin v. Union Territory of Delhi (1981): Right to Dignity

The Court expanded the right to life under Article 21 to include the right to live with dignity and access essential needs such as food, clothing, and shelter. This ruling underscored the intrinsic link between human dignity and the right to life.

4. Olga Tellis v. Bombay Municipal Corporation (1985): Right to Livelihood

In this case, the Court recognized the right to livelihood as an essential component of the right to life, emphasizing that the deprivation of livelihood is equivalent to the deprivation of life itself.

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family:'Times New Roman';mso-fareast-font-family:Calibri;
mso-ansi-font-weight:bold;font-size:12.0000pt;">Puttaswamy v. Union of India (2017): Right
to Privacy<span style="mso-spacerun:'yes';font-family:'Times New
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font-size:12.0000pt;">The Court declared the right to privacy as a fundamental right under
Article 21, affirming that privacy is crucial to personal autonomy, dignity, and freedom. This
ruling laid the groundwork for the protection of digital privacy in an increasingly technological
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family:'Times New Roman';mso-fareast-font-family:Calibri;
mso-ansi-font-weight:bold;font-size:12.0000pt;">Common Cause v. Union of India (2018):
Right to Die with Dignity<span style="mso-spacerun:'yes';font-family:'Times
New Roman';mso-fareast-font-family:Calibri;
mso-ansi-font-weight:bold;font-size:12.0000pt;"><o:p></o:p></p><p class="18"
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fareast-font-family:Calibri;
font-size:12.0000pt;">The Court upheld passive euthanasia, recognizing the right to die with
dignity as part of Article 21. This judgment balanced the sanctity of life with an individual's
right to autonomy and dignity.<span style="mso-spacerun:'yes';font-family:'Times
New Roman';mso-fareast-font-family:Calibri;
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 vDimensions of Article 21:<o:p></o:p></p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;">Over time, the judiciary has interpreted Article 21 to include several implicit rights that contribute to a dignified life. Some key dimensions include:<o:p></o:p></p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;"> </p><p class="18" align="justify" style="margin-bottom:0.0000pt;margin-left:36.0000pt;text-indent:-18.0000pt; text-align:justify;text-justify:inter-ideograph;line-height:150%; mso-list:l0 level1 lfo2;"><!--[if !supportLists]--> <!--[endif]-->Right to Health<o:p></o:p></p><p class="18" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;">The right to health and access to medical care is fundamental under Article 21. The Court in Paschim Banga Khet Mazdoor Samity v. State of West Bengal (1996) emphasized the State's obligation to provide adequate health facilities.<o:p></o:p></p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;"> </p><p class="18" align="justify" style="margin-bottom:0.0000pt;margin-left:36.0000pt;text-indent:-18.0000pt; text-align:justify;text-justify:inter-ideograph;line-height:150%; mso-list:l0 level1 lfo2;"><!--[if !supportLists]--> <!--[endif]--><span

Right to Education

</p><p class="18" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;">The right to education was linked to Article 21 in Mohini Jain v. State of Karnataka (1992), and later, Article 21A was introduced through the 86th Constitutional Amendment, mandating free and compulsory education for children aged 6 to 14.</p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;"> </p><p class="18" align="justify" style="margin-bottom:0.0000pt;margin-left:36.0000pt;text-indent:-18.0000pt; text-align:justify;text-justify:inter-ideograph;line-height:150%; mso-list:l0 level1 lfo2;"><!--[if !supportLists]--> <!--[endif]-->Right to a Clean Environment</p><p class="18" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;">In Subhash Kumar v. State of Bihar (1991), the Court interpreted Article 21 to include the right to a clean and healthy environment, recognizing its crucial impact on the quality of life.</p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;"> </p><p class="18" align="justify" style="margin-bottom:0.0000pt;margin-left:36.0000pt;text-indent:-18.0000pt; text-align:justify;text-justify:inter-ideograph;line-height:150%; mso-list:l0 level1 lfo2;"><!--[if !supportLists]--> <!--[endif]-->Right to Shelter<span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-fareast-font-family:Calibri;

The judiciary has consistently upheld the right to shelter as a fundamental right, acknowledging its essential role in ensuring dignity and security.

Right to Fair Trial

Article 21 guarantees the right to a fair trial, ensuring that individuals are not subjected to arbitrary or biased judicial proceedings.

Right to Protection from Arbitrary Arrest

The provision also includes safeguards against arbitrary detention, emphasizing procedural fairness and due process.

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fareast-font-family:Calibri;
font-size:12.0000pt;"><o:p></o:p></p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;"> </p><p class="18" align="justify" style="margin-bottom:0.0000pt;margin-left:36.0000pt;text-indent:-18.0000pt; text-align:justify;text-justify:inter-ideograph;line-height:150%; mso-list:l0 level1 lfo2;"><!--[if !supportLists]--> <!--[endif]-->Social Justice<o:p></o:p></p><p class="18" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;">The right to life has become a powerful tool in addressing social inequality, from securing basic services for marginalized communities to promoting gender justice.<o:p></o:p></p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;"> </p><p class="18" align="justify" style="margin-bottom:0.0000pt;margin-left:36.0000pt;text-indent:-18.0000pt; text-align:justify;text-justify:inter-ideograph;line-height:150%; mso-list:l0 level1 lfo2;"><!--[if !supportLists]--> <!--[endif]-->Global Parallels<o:p></o:p></p><p class="18" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;">Article 21 shares similarities with provisions in international human rights frameworks, such as Article 3 of the Universal Declaration of Human Rights and Article 6 of the International Covenant on Civil and Political Rights. While the Indian judiciary has expansively interpreted the right to life, it has also drawn inspiration from global practices to meet evolving human rights standards.<o:p></o:p></p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;"> </p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;font-size:12.0000pt;"> </p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;font-size:12.0000pt;"> </p></div>

align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;">Conclusion<o:p></o:p></p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;">Article 21 stands as a testament to the Indian Constitution's commitment to human dignity and justice. Its dynamic interpretation has transformed it into a shield against state excesses and a powerful instrument for advancing socio-economic rights. As societal needs and challenges continue to evolve, the judiciary's progressive approach ensures that Article 21 remains a living embodiment of the Constitution's core values. The right to life, in its comprehensive and inclusive interpretation, remains the foundation of individual freedom and democracy in India.<o:p></o:p></p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;border-bottom:1.0000pt solid windowtext;mso-border-bottom-alt:0.5000pt solid windowtext; padding:0pt 0pt 0pt 0pt ;text-align:justify;text-justify:inter-ideograph; line-height:150%;"> </p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;"> </p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;">Best Lawfirm in lucknow for Corporate Cases | Best Crimimal Lawyers Near me | Best Criminal Advocates Near me | Best Corporate Advocates Near Me | Best Criminal Lawyers in Lucknow High Court | Best Corporate Lawyers in Lucknow High Court | Best Lawfirm in Uttar Pradesh | Best Criminal Advocates in Uttar Pradesh | Best Advocates in Lucknow High Court | Best Lawyrs in Lucknow High Court | Best Lawfirm in Lucknow High Court | Best Legal Advisor in Lucknow | Best Legal Consultant in Lucknow | Best lawfirm for legal Consultancy services in lucknow<o:p></o:p></p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;border-bottom:1.0000pt solid windowtext;mso-border-bottom-alt:0.5000pt solid windowtext; padding:0pt 0pt 0pt 0pt ;text-align:justify;text-justify:inter-ideograph; line-height:150%;"> </p><p class="MsoNormal" align="justify" style="margin-bottom:0.0000pt;text-align:justify;text-justify:inter-ideograph; line-height:150%;"><span style="mso-spacerun:'yes';font-family:'Times New Roman';mso-

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H. M. Seervai, Constitutional Law of India: A Critical Commentary (4th ed. 1991).

Kharak Singh v. State of Uttar Pradesh, AIR 1963 SC 1295.

A.K. Gopalan v. State of Madras, AIR 1950 SC 27.

Maneka Gandhi v. Union of India, AIR 1978 SC 597.

Francis Coralie Mullin v. Union Territory of Delhi, AIR 1981 SC 746.

Olga Tellis v. Bombay Municipal Corporation, AIR 1986 SC 180. <https://saslawchambers.com/blog> "Times New Roman"; color: rgb(5, 99, 193);><https://saslawchambers.com/blog>

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Mohini Jain v. State of Karnataka, AIR 1992 SC 1858

Subhash Kumar v. State of Bihar

fareast-font-family:Calibri;
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