



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2024

Editor-in-Chief – Prof. (Dr.) Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

Article 21 of the Indian Constitution: The Right to Life and Personal Liberty

Article 21 of the Indian Constitution stands as a pillar of protection for the fundamental rights of every individual in the country. Enshrined in Part III of the Constitution, this provision guarantees the right to life and personal liberty, emphasizing the sanctity of human dignity and freedom from arbitrary state action. As a cornerstone of the legal landscape in India, Article 21 has been interpreted and applied by the judiciary in a manner that upholds the values of justice, equality, and individual autonomy.

Historical Context:

The roots of the right to life can be traced back to the ancient texts and philosophies of India, which have long emphasized the intrinsic value of every individual and the importance of living with dignity and respect. The incorporation of this principle into the Indian Constitution was a significant step towards ensuring that the rights and freedoms of citizens are safeguarded against any form of oppression or injustice. The framers of the Constitution recognized the need to protect individual liberties and prevent the state from encroaching upon the fundamental rights of its people.

Legal Interpretations:

Article 21 of the Indian Constitution is one of the most important and fundamental rights guaranteed to every individual in the country. It states that "No person shall be deprived of his life or personal liberty except according to procedure established by law." This article is often referred to as the "right to life" and has been interpreted broadly by the Indian judiciary to encompass a wide range of rights and protections.

The right to life under Article 21 is not limited to mere existence but includes the right to live with dignity, the right to livelihood, the right to health, and the right to a clean environment. The Supreme Court of India has consistently held that the right to life is the most fundamental of all rights and forms the basis of all other rights.

One of the landmark cases that helped shape the interpretation of Article 21 is *Maneka Gandhi v. Union of India (1978)*. In this case, the Supreme Court held that the right to life under Article 21 is not limited to mere animal existence but includes the right to live with human dignity. The court also held that the procedure established by law must be fair, just, and reasonable, and cannot be arbitrary or oppressive.

Another important case that expanded the scope of Article 21 is *Olga Tellis v. Bombay Municipal Corporation (1985)*. In this case, the Supreme Court held that the right to life includes the right to livelihood and that the state has a duty to provide basic necessities such as food, shelter, and healthcare to its citizens.

The right to health is also considered an integral part of the right to life under Article 21. In *Consumer Education and Research Centre v. Union of India (1995)*, the Supreme Court held that the right to health is a fundamental right and that the state has a duty to provide healthcare facilities to its citizens.

The right to a clean environment is another aspect of the right to life under Article 21. In *Subhash Kumar v. State of Bihar (1991)*, the Supreme Court held that a clean environment is essential for the enjoyment of the right to life and directed the state to take measures to protect and preserve the environment.

Article 21 has also been interpreted to include the right to privacy. In *K.S. Puttaswamy v. Union of India (2017)*, the Supreme Court held that the right to privacy is a fundamental right under Article 21 and is essential for the protection of personal autonomy and dignity.

In recent years, Article 21 has been invoked in several cases related to issues such as euthanasia, abortion, and LGBTQ rights. In *Navtej Singh Johar v. Union of India (2018)*, the Supreme Court decriminalized homosexuality, holding that the right to life includes the right to choose one's sexual orientation.

Overall, Article 21 of the Indian Constitution is a powerful tool for protecting and promoting human rights in India. It guarantees individuals the right to live with dignity and ensures that their personal liberties are not arbitrarily curtailed. The judiciary has played a crucial role in expanding the scope of Article 21 and ensuring that it remains a robust protection for all citizens.

Significance:

Article 21 holds immense significance in upholding the rule of law and ensuring that individuals are protected from arbitrary state action. The right to life is not just a legal

guarantee but a moral imperative that reflects the core values of a democratic society. By recognizing the inherent dignity and worth of every individual, Article 21 serves as a bulwark against tyranny, oppression, and discrimination.

The right to life under Article 21 has been instrumental in advancing social justice and human rights in India. The judiciary has used this provision to strike down discriminatory laws, protect marginalized communities, and promote environmental sustainability. By interpreting Article 21 in a progressive and inclusive manner, the courts have expanded the scope of individual rights and paved the way for a more just and equitable society.

In conclusion, Article 21 of the Indian Constitution embodies the core values of human dignity, freedom, and equality. As a fundamental right enshrined in the Constitution, the right to life under Article 21 serves as a beacon of hope for all individuals in India. It is a reminder that every person has a right to live with dignity, freedom, and respect, and that the state must ensure that this right is protected at all times. The legacy of Article 21 continues to shape the legal landscape of India and inspire future generations to uphold the principles of justice, equality, and human rights.

Content:

Article 21 of the Indian Constitution is one of the most important and fundamental rights guaranteed to every individual in the country (Sen & Guha, 2022). It states that "No person shall be deprived of his life or personal liberty except according to procedure established by law." This article is often referred to as the "right to life" and has been interpreted broadly by the Indian judiciary to encompass a wide range of rights and protections (RiverOfLife et al., 2020).

References:

- RiverOfLife, M., Poelina, A., Bagnall, D., & Lim, M. (2020). Recognizing the Martuwarra's First Law Right to Life as a Living Ancestral Being. *Transnational Environmental Law*, 9, 541-568.
- Sen, S., & Guha, S. (2022). The Struggles of the Indian Constitution in the Face of Autocratic Legalism: Constitutionalism at Crossroads? *Federal Law Review*, 50, 275-291.