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PROGRESSION OF ARTICLE-21: THE FUNDAMENTAL RIGHT TO LIFE AND PERSONAL LIBERTY

By: Nitya Paliwal
BBALLB(H)

“There isn’t anything that should ever be considered permanent, as everything is evolving or changing in some way.” — Steven Redhead

INTRODUCTION

The Right to Life and Personal Liberty have a vast reach which has been expanding over time. There has been an increasing consciousness about the facets of a person’s life which would enhance the quality of life of a person. The right to life and personal liberty have been called the “heart and soul” of the Constitution of India by the Supreme Court and beyond any doubt, it proves to be so by representing the very basic essentialities of human life.

Rights evolve and gain importance over others based on circumstances, and thus, the Supreme Law should try to create space to accommodate such developments. The Indian Judiciary has shown its pro-activeness as the Courts now are using new strategies to enforce the fundamental rights and transform the whole society with its changing needs.

The broad scope given to Art. 21 safeguards a variety of issues that the framers of the Constitution might or might not have envisaged. The phrase “procedure established by law” bears a resemblance to the 5th Amendment of the United States Constitution.¹ Despite the fact that the term “due” is not mentioned in Art.21, the Supreme Court has construed it in a broad and dynamic fashion in several rulings.

The judgment of the Constitutional Bench in Maneka Gandhi’s Case, which overruled Gopalan’s case, became the initial point, the springboard, for a magnificent development of the law relating to judicial intervention in human rights cases. The

¹ 5th Constitution Amendment is USA- “No person shall be deprived of his life, liberty or property without due process of law”

new interpretation of Article 21 in Maneka Gandhi's case has ushered a new era of expansion of the horizons of the right to life and personal liberty.

Following *Maneka Gandhi's case*, the Supreme Court gave Article 21 new life by subjecting state actions that interfere with a person's right to life and liberty to a test of reasonableness, requiring not only that the procedures be approved by law, but also that they are "just, fair, and reasonable." This evolution opened the door for a substantive re-interpretation of constitutional and legal guarantees as well as positive judicial intervention.² The decision given by the Supreme Court, in this case, is historic as for the first time the right to life and personal liberty received a wider interpretation.

Maneka Gandhi's case recognized that the phrase 'liberty' in Article 21 has an implied substantive component that protects individual freedom from excessive or arbitrary restrictions.³ The Indian judiciary's humanitarian approach to the interpretation and application of Article 21, in this case, grew leaps and bounds, paving the way for a citizen's multi-faceted development. This also paved the way for a significant rise in the constitutional protection of human rights in India under the aegis of the Public Interest Litigation movement (PIL).⁴

In the case of *Unni Krishnan v. State of A.P.*, the extended reach of Article 21 was further defined. It was noted in this judgement that Art 21 is the heart of the Fundamental Right. In this case, the scope of Art 21 was broadened by noting that the right to education stems from the right to life. The court published a list of some of the rights that fall under Article 21's protection.

RIGHTS THAT FORM PART OF ARTICLE 21

Some of the rights which have emerged as a result of the expansion of the scope of the right to life and personal liberty have been discussed in a nutshell:

1. Right to Travel Abroad

² M.P.Jain, "Indian Constitutional Law" 1185 (LexisNexis 6th Edn Reprint 2012)

³ Rameshbhai Chandubhai Rathod v. State of Gujarat AIR 2009 SC 740.

⁴ P.M. Bakshi, The Constitution of India 34 (Universal Law Publishing, 17th Edn, 2020.)

The petitioner in *Satwant Singh v. Assistant Passport Officer, New Delhi*,⁵ was ordered by the government to surrender his passport since he travelled overseas frequently for business. The government's decision was contested because it violated Article 21. In this decision, the Supreme Court widened the scope of Article 21 by ruling that the "right to go abroad" was a part of a person's "personal liberty" under Article 21 of the Constitution.

2. Right Against Sexual Harassment at Workplace

Sexual harassment at workplace is considered an infringement of women's right to equality, life and liberty. The Supreme Court has ruled that sexual harassment of women is a violation of one of the most precious fundamental rights, the Right to Life, as enshrined in Art. 21.

In *Vishakha v. State of Rajasthan*⁶, the Supreme Court ruled that sexual harassment of a working woman at her employment is a clear violation of Articles 14, 15 and 21 of the Constitution, as it violates gender equality and the right to life and liberty. The Supreme Court issued exhaustive guidelines to prevent instances of sexual harassment at the workplace until legislation is enacted for the purpose. For the first time, the court acknowledged the need for legislation to confront the evil of workplace sexual harassment. As a result of this, the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013 was passed.

Apparel Export Promotion Council v. A.K. Chopra,⁷ was the first case in which the Supreme Court used the law established in the Vishaka Case.

3. Right Against Rape

Rape being the most hated crime, is a devastating blow to a woman's dignity and

⁵ AIR 1967 SC 1836

⁶ AIR 1997 SC 3011.

⁷ AIR 1999 SC 625.

a crime against society. In several decisions of the court, rape has been held to be a violation of a person's fundamental right guaranteed under Art.21.

In *Bodhisattwa Gautam v. Subhra Chakraborty*⁸, the Supreme Court held that: "Rape is thus not only a crime against a woman, but it is also a crime against the entire society. It destroys a woman's entire psychology and drives her into great mental turmoil."

4. Right to Education

Education is regarded as man's third eye, without which no one can live a good, decent, or dignified life. Earlier right to education was a part of directive principles of state policy.⁹ However as per the changing needs of society Supreme Court in *Mohini Jain v. State of Karnataka*¹⁰ and *Unni Krishna v. State of Andhra Pradesh*¹¹ rule that the right to education is a fundamental right because it directly flows from right to life.

Earlier the courts interpreted the Right to Education under Art.21 but in the year 2002 by a Constitutional Amendment, Art.21A¹² was inserted in the constitution and the right to education was expressly made as a fundamental right.

5. Right to Livelihood

Right to livelihood is derived out of the right to life as no person can live without the means of living that is livelihood. Deprivation of livelihood would not only denude the life of its effective content and meaningfulness but it would make life impossible to live.

In *Re Sant Ram*¹³, which was decided before *Maneka Gandhi Case* the Supreme

⁸ AIR 1996 SC 922.

⁹ Art. 51 A of the Indian Constitution

¹⁰ AIR 1992 SC 1858

¹¹ AIR 1993 SC 2178

¹² 86th Amendment 2002

¹³ AIR 1960 SC 932

Court ruled that the right to livelihood would not fall within the expression “life” in Article 21. However, in the *Board of Trustees of the Port of Bombay v. Dilipkumar Raghavendranath Nandkarni*¹⁴, the court found that "the right to life" provided by Article 21 includes "the right to livelihood."

The Supreme Court in *Olga Tellis v. Bombay Municipal Corporation*¹⁵ held that the concept of “right to life and personal liberty” guaranteed under Article 21 of the Constitution includes the “right to live with dignity” which in turn includes the right to livelihood.

6. Right to Shelter

The right to shelter is a basic human need. All civil, political, social and cultural rights enshrined in the Universal Declaration of Human Rights and Convention or under the Constitution of any India cannot be exercised without the basic human rights.

In *Chameli Singh v. State of U.P.*¹⁶, it has been held that the right to shelter is a fundamental right under Art. 21 of the Constitution. Shelter for a human being is not just protection of his life and limb or simply a roof over one’s head, but it is home where he has opportunities to grow physically, mentally, intellectually and spiritually as a human.

In another case of *U.P. Avas Vikas Parishad v. Friends Coop. Housing Society Limited*,¹⁷ the right to shelter has been held to be a fundamental right which stems from the right to residence secured in article 19(1)(e) and the right to life guaranteed by Article 21.

In *People’s Union of Civil Liberties v. UOI*¹⁸ the Apex Court ruled that all shelter homes must be open and operational 24 hours a day, 365 days a year. To satisfy

¹⁴ AIR 1983 SC 109; (1983) 1 SCC 124

¹⁵ AIR 1986 SC 180; (1935) 3 SCC 545

¹⁶ (1996) 2 SCC 549.

¹⁷ AIR 1996 SC 114

¹⁸ AIR 1997 SC 568.

the essential requirements of the urban homeless, one shelter per 100,000 people should be given in every large city.

7. Imposing Capital Punishment is not a violation of Article 21

The constitutionality of the death penalty has been questioned in several Supreme Court cases. In *Jagmohan Singh v. State of Uttar Pradesh*¹⁹ the Constitutional impermissibility of the death sentence was pleaded before the Apex Court. The Supreme Court held the death penalty to be constitutionally permissible. Sections 401, 402, Cr.P.C., Entries 1 and 2 in List III of Seventh Schedule and Article 134 of the Constitution make it clear that the framers of the Constitution were aware of the death sentence.¹⁷³

In *Bachan Singh v. State of Punjab*,²⁰ the Supreme Court again upheld the death penalty under Sec. 302 as constitutional. In *Vinay Sharma v. State of NCT of Delhi*²¹ the review petition was filed submitting that the death penalty had been abolished by the Parliament of the U.K. in 1966 and several American Countries and the Australian States had also abolished death penalty and therefore t h e death penalty in India needs to be abolished. The Court dismissed the petition and held - The submission for the abolition of the death penalty because it has been abolished in other countries is no ground to efface it from the statute book of our country. So far, the death penalty remains in the Penal Code, the Courts cannot be said to commit any illegality in awarding the death penalty in appropriate cases.

8. Right Against Delayed Execution

In *T.V. Vatheeswaran v. State of Tamil Nadu*²² the Supreme Court evolved another principle that prolonged delay (2 years) in executing the death sentence

¹⁹ AIR 1973 SC 947.

²⁰ AIR 1980 SC 898.

²¹ AIR 2018 SC 3290.

²² AIR 1983 SC 361.

would be unjust, unfair & unreasonable & therefore violative of Art 21 of the Constitution. In such a case, the accused has a right to invoke the protection of Art. 21 and get the death sentence commuted to life imprisonment. This view of the Court was agreed in the case of *Sher Singh v. State of Punjab*²³

In *Madhu Mehta v. Union of India*²⁴, the mercy petition of the petitioner who was sentenced to death was pending before the President of India for about 8 or 9 years. The Court converted the death into life imprisonment as there were insufficient reasons to justify such a long delay in the disposal of the convict's mercy petition. The Court held that the speedy trial in criminal cases is implicit in the broad sweep and content of Art. 21 and this principle equally applies to the disposal of mercy petitions too.

9. Right to Die- Not a fundamental right under Article 21.

Human life is a precious one. The Supreme Court's outlook has shifted greatly. In *State of Maharashtra v. Maruti Sripati Dubal*²⁵ the Bombay High Court considered for the first time whether the right to die is incorporated in Article 21 of the Constitution. The Court held that the right to life guaranteed by Art.21 includes a right to die as everyone should have the freedom to dispose of his life as and when he desires, and consequently, the court struck down Section 309, IPC which provides punishment for attempt to commit suicide by a person as unconstitutional.

However, the Andhra Pradesh High Court in *Chenna Jagadeeswar v. State of A.P.*,²⁶ held that the right to die is not a fundamental right within the meaning of Art. 21 and hence Section 309, I.P.C. is not unconstitutional.

In *P. Rathinam v. Union of India*²⁷ the Court agreed with the view of the Bombay

²³ AIR 1983 SC 465.

²⁴ (1989) 4 SCC 62.

²⁵ AIR 1997 SC 411.

²⁶ 19888 Cr LJ 549.

²⁷ (1994) 3 SCC 394, AIR 1994 SC 1844

High Court in the *Maruti Sripati Dubal case*²⁸ and held that a person has a "right to die" and declared Section 309 of the IPC violative of Art. 21 and hence void. It was said that a person cannot be forced to enjoy the right to life to his detriment, disadvantage or disliking.

Finally, in *Gian Kaur v. State of Punjab*²⁹ the Constitution Bench of the Supreme Court has now overruled *P. Rathinam's case*³⁰ and, rightly, held that "right to life" under Art. 21 of the Constitution does not encompass the "right to die" or "right to be killed". "The right to die", is essentially incompatible with the "right to life" as is "death with life". Thus, the provision penalizing an attempt to commit suicide³¹ is not violative of Art. 21 of the Constitution.

10. Euthanasia

Euthanasia is the act or practice of injecting or suspending extraordinary medical care to end the life of a person suffering from a terminal illness, to relieve him of terrible pain or terminal illness.

In *Gian Kaur vs State of Punjab*³² the Court held that both assisted suicide and euthanasia were illegal because Article 21 speaks of life with dignity, and only components of life that make it more dignified can be read into it, implying that the right to die was incompatible with it.

However, later in the landmark judgment of *Aruna Ramchandra Shanbaug vs Union of India*³³, the Supreme Court allowed passive euthanasia in India under exceptional circumstances and strict monitoring of the court.

²⁸ AIR 1997 SC 411.

²⁹ AIR 1996 SC 953.

³⁰ Supra note 27.

³¹ Section 309 of the IPC.

³² AIR 1996 SC 953.

³³ AIR 2011 SC 1290

The Supreme Court in *Common Cause (A Regd. Society) vs. Union of India*³⁴ recognized and gave sanction to passive euthanasia and living will/ advance directive.

11. Right to Choose Life Partner

In November 2020, Allahabad High Court in its decision in *Salamat Ansari vs. State of UP*³⁵ observed that “The right to live with whomever one chooses, regardless of their religion, is fundamental to one's right to life and personal liberty.” The Court ruled "We do not see the parties to the marriage as Hindus and Muslims, but rather as two mature adults who have lived peacefully and happily together for over a year of their own free will and choice."

Also, the Supreme Court in the decision of *Shakti Vahini v. Union of India*³⁶, observed that the consent of the family or the community or class is not necessary once two adult individuals agree to enter into a wedlock.

12. Article 21 guarantees Freedom from Police Atrocities

In cases of prisoner mistreatment, the Supreme Court has expressed its deep concern. In *Prem Shankar v Delhi Administration*³⁷ the Supreme Court stated that handcuffing is prima facie inhumane in nature and that it should only be used as a last resort because there are better ways to ensure security.

Similarly, the Supreme Court decided in *D.K Basu v State of West Bengal*³⁸ that any type of torture or cruel, inhuman, or humiliating treatment, whether during an investigation, interrogation, or otherwise, is a violation of Article 21 of the Constitution.

³⁴ AIR 2018 SC 1665.

³⁵ CrI. Misc. WP No. 11367 of 2020, decided on 11.11.2020

³⁶ (2018) 7 SCC 192

³⁷ AIR 1980 SC 1535

³⁸ AIR 1997 SC 610

13. Right to Reputation

The US judgment in *D.F. Marion v. Minnie* was referred to in the case of *State of Maharashtra v. Public Concern of Governance Trust*²⁰⁶ wherein the Court held that good reputation was an element of personal security and was protected by the constitution, equally with the right to the enjoyment of life, liberty, and property.

It has been held by the Supreme Court that the right protects the reputation of a person during and after his death. So, any mistake of the state or agencies that soil the reputation of a righteous person would surely be covered within the ambit of Art. 21 of the Constitution.

14. Right to Sleep

In *Ramlila Maidan v. Home Secretary*, in the middle of night, the Police dispersed the gathering by resorting to the use of tear gas and lathi-charge to disperse the peaceful sleeping crowd which caused injury to several people. Swatanter Kumar, J., held-The decision to forcibly evict the innocent public sleeping in the midnight was amiss and suffered from the element of arbitrariness and abuse of power to some extent. Thus, the right to sleep was recognized as constitutional freedom acknowledged under Article 21 of the Constitution.

15. Right to Environment

Through judicial innovation, the right to a clean and healthy environment has been elevated to the status of a basic right. Pollution-free environment is indispensable for the inhabitants of this planet. In its judicial ingenuity, the Supreme Court of India has elevated the right to live in a pollution-free environment to the status of a basic right under Article 21 of the Indian Constitution.

The entire environmental law jurisprudence has evolved under the shroud of Article 21 of the Constitution of India. Health hazards, due to pollution, have also

been brought within its extended meaning.³⁹ Indian Supreme Court has said that any disturbance of the basic environment elements, namely, air, water and soil, which are necessary for “life”, would be hazardous to “life” within the meaning of Article 21.⁴⁰ Right to water has also been recognized as a part of the right to life.

*In Rural Litigation and Entitlement Kendra v. State*⁴¹(Dehradun Quarrying Case), the Supreme Court ordered the closure of some limestone quarries on the ground that these were upsetting the ecological balance.

The Rajasthan High Court held in *N. L. K. Koolwal v. State*⁴², that maintaining health, sanitation, and the environment falls under the purview of Article 21 of the Constitution because it adversely affects the citizen's life and amounts to slow poisoning and reducing the citizen's life because of the hazards created if not checked.

The Constitution of India has functioned as a living tree, especially in light of environmental concerns at a time when pollution is rising at an alarming pace. The right to a healthy environment is one such right which was not recognized by the constituent assembly at the time of formulation of the Constitution, yet, it has gained significance with time and space.

It can be concluded that the efforts of the highest Court in environment pollution control through public interest litigation are indeed laudable particularly when the legislature is lagging in bridging the lacuna in the existing legal system and the administration is not well equipped to meet the challenge.

³⁹ Ashok v. Union of India, (1997) 5 SCC 10; *see also* Samatha v. State of A.P., AIR 1997 SC 3297; M.C. Mehta v. Union of India, (1999) 6 SCC 9; M.C. Mehta v. Union of India (1996) 4 SCC 351; M.C. Mehta v. Union of India, (2002) 10 SCC 191; M.C. Mehta v. Union of India, (2001) 3 SCC. 756.

⁴⁰ M.C. Mehta v. Kamal Nath, (2000) 6 SCC. 213; *see also* Virender Gaur v. State of Haryana, (1995) 2 SCC 577; A.P. Pollution Control Board v. M.V. Nayudu, (1999) 2 SCC 718

⁴¹ AIR 1988 SC 2187

⁴² AIR 1988 Raj 2.

16. Right Against Noise Pollution

Noise is a type of atmospheric pollution in the form of waves. Noise pollution like other pollutants is also a by-product of industrialization, urbanization and modern civilization or technological advancement. Noise is a menace to human health and wellbeing.

In *Re Noise Pollution*,⁴³ the Supreme Court held that freedom from noise pollution is a part of the right to life under Article 21 of the Constitution.

17. Right to Social Security and Protection of Family

The right to life includes the rights to social security and family safety. In *Calcutta Electricity Supply Corporation (India) Ltd. v. Subhash Chandra Bose*⁴⁴, the Court held that the right to social and economic justice is a fundamental right under Art. 21.

Also, the right to economic empowerment of poor, disadvantaged and oppressed *Dalits* was a fundamental right to make the right to life and dignity of a person meaningful.⁴⁵

Security against sickness and disablement was ruled to be a basic right under Art. 21 read with Sec. 39(e) of the Indian Constitution in *Regional Director, ESI Corporation v. Francis De Costa*.⁴⁶

18. Right to Electricity- Right to Life

In *M.K. Acharaya v. C.M.D., W.B.S.E. Distribution Co. Ltd.*⁴⁷, the Court has held that the right to electricity is the right to life and liberty in terms of Article 21

⁴³ (2005) 5 SCC 733.

⁴⁴ AIR 1992 SC 573

⁴⁵ *Murlidhar Dayandeo Kesekar v. Vishwanath Pande Barde*, (1995) Supp 2 SCC 549.

⁴⁶ AIR 1997 SC 432.

⁴⁷ AIR 2008 Cal 47.

of the Constitution. In modern days no one can survive without electricity.⁴⁸

19. Eve-teasing

In *Dy. Inspector-General of Police v. S. Samuthiram*,⁴⁹ the respondent in a drunken state misbehaved and eve-teased a married lady waiting along with her husband to board a bus at a bus stand. A criminal case was registered against him and he was dismissed from service.

The Supreme Court in the above case held that every citizen has the right to live with dignity and honour which is a fundamental right under Article 21, Sexual harassment, like eve-teasing of women amounts to a violation of rights guaranteed under Articles 14 and 15 as well.

20. Bonded Labour System

In *Neerja Chaudhari v. State of M.P.*,⁵⁰ Bhagwati, J., held that under the Bonded Labor System (Abolition) Act, 1976, it is not enough to simply identify and release bonded labourers; they must also be rehabilitated, because, without rehabilitation, they will be driven back into poverty, helplessness, and despair, and thus back into serfdom. The most basic need of Article 21 is that bonded labourers be identified, discharged, and appropriately rehabilitated. The Act was enacted to ensure basic human dignity to the bonded labourers and any failure of action on the part of the State in implementing the provisions of this legislation would be the clearest violation of Article 21 of the Constitution.

21. HIV- Not a ground for Termination from Employment

The very first case of HIV that came up before the Courts was the *Lucy D' Souza*

⁴⁸ Dr J.N. Pandey, Constitutional Law of India 376 (Central Law Agency, Allahabad, 57th Edn., 2020).

⁴⁹ AIR 2013 SC 14.

⁵⁰ AIR 1984 SC 1099; *Bandhua Mukti Morcha v. Union of India*, AIR 1984 SC 802.

*v State of Goa*⁵¹, where the petitioner contracted HIV and was fired from his job and refused treatment by doctors. Section 53(1) (vii) of The Goa Public Health Act, 1987, provided the government with broad powers to deprive individuals of their liberty on the basis that they were suffering from AIDS.

The *MX of Bombay Indian Inhabitant v. M/S. Zy & Anr Case*⁵² on the other hand provided a ray of hope for the HIV/AIDS community, where it has been held that a person cannot be regarded as medically unfit and denied employment, merely on the ground that he is found to be HIV positive.²³⁷

The court finally set the law straight on HIV in the workplace by declaring that a government/ public sector employer could not deny employment or terminate the service of an HIV-positive employee solely because of their HIV-positive status, and any act of discrimination towards an employee based on their HIV-positive status was a violation of Fundamental Rights. The services of HIV-positive employees could only be terminated if they posed a substantial risk of transmission to their co-employees or were unfit or unable to perform the essential functions of their job.

The Bombay High Court's decision in *G v. New India Assurance Company*⁵³ confirms the trend that denial of employment based on HIV status is not only discriminatory but also violates the right to life. As a result, the MX Case can be considered a watershed decision in Indian HIV jurisprudence.

22. Homosexuality

Homosexuality is the desire to have sexual relations with people of one's gender. Homosexuality, until very recently, was considered to be an aberrance or abnormality and for this very reason, gay people were subjected to torture, discipline and even corrective rapes to cure them of it.

In *Naz Foundation v. Govt. of NCT of Delhi*,⁵⁴ the constitutional validity of

⁵¹ AIR 1990 Bom 355.

⁵² AIR 1997 Bom 406.

⁵³ Bombay H.C. (2004).

⁵⁴ 2010 Cr LJ 94 Delhi (DB)

Section 377 of the Indian Penal Code was challenged on the ground that it violates Articles 14,15,19 and 21 of the Constitution. In 2009, Delhi High Court decided in favour of the LGBTs and declared Section 377 of the IPC to be „unconstitutional and violative of Articles 14, 15 and 21“ and therefore, permitted consensual sexual activity between two homosexuals above 18 years of age.

However, in 2014, in the case of *Suresh Kumar Koushal v. Naz Foundation*⁵⁵, Supreme Court overturned the Delhi HC decision and struck down the ruling of the High Court in the *NAZ Foundation Case*.⁵⁶ The Court held that Section 377 is not violative of Articles 14, 15 and 21 and that carnal intercourse must be punished.

In 2016, in the case of *Navtej Singh Johar v. Union of India*,⁵⁷ once again the validity of Section 377 of IPC was challenged on the ground that it violated the constitutional rights to privacy, freedom of expression, equality, human dignity and protection from discrimination. The Five-Judge Bench of the Apex Court consensually held that Section 377 of IPC insofar as it applied to consensual sexual conduct between adults in private, was unconstitutional. With this, the Court overruled its decision in *Suresh Kumar Koushal v. Naz Foundation Case*⁵⁸ which had upheld the constitutionality of Section 377 in 2014.

Also, the court in *K.S. Puttaswamy v. Union of India*⁵⁹ held that denying the LGBT community its right to privacy on the ground that they form a minority of the population would be violative of their fundamental rights.

REVIEW

As previously noted, the Supreme Court of India played a pivotal role in interpreting Article 21 of the Constitution in various judgments. Through its

⁵⁵ AIR 2014 SC 563.

⁵⁶ Supra note 54.

⁵⁷ AIR 2018 SC 4321.

⁵⁸ Supra note 55.

⁵⁹ AIR 2017 SC 4161

interpretative and activist judicial procedure, the Supreme Court has increased the liabilities, duties, and responsibilities of the State and its authorities in this way. Because the idea of dignified life provided by Article 21 appears to be inexhaustible in range and extent, the Court may be able to infer certain further rights for the people in the future while interpreting this Article.

The challenge of the silence in the Constitution was a call for re-understanding the application of broad constitutional concepts. For this purpose, the onus is shifted towards the judiciary and it can be said that the judicial activism has victoriously advanced the spirit of the Constitution by interpreting Article 21 of the Constitution in its widest sense.

Indian Judiciary provided outstanding explanation and interpretation of the right to life and personal liberty under Article 21 of the Constitution. The Apex Court not only analyzed the instinctive humane qualities of Article 21 but also set certain procedures to execute them. But the road does not end here as this Article will go on developing with the future changes in the need of society which cannot be foreseen now.

In a democratic society like India, the sun of Article 21 will never set entirely, and it will exist in all of its sub-limits in perpetuity to assist the people of India anytime they are in agony over any problem involving their lives and personal liberty.