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ABOUT US

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RIGHT TO LIVE WITH DIGNITY

CRITICAL ANALYSIS

AUTHORED BY - SHREYANSH SINGH

ABSTRACT

The Indian Constitution recognizes the fundamental right to life and dignity as essential components of human existence. Article 21 of the Constitution guarantees the right to life and personal liberty, which has been interpreted by the courts to include the right to live with dignity. The right to life and dignity is not only a negative right that protects individuals from arbitrary state action but also a positive right that requires the state to provide basic necessities such as food, shelter, healthcare, and education.

The right to life and dignity has been invoked in several cases involving issues such as the death penalty, police brutality, custodial deaths, and the rights of prisoners. The Supreme Court of India has expanded the scope of the right to life and dignity to include the right to a clean environment, the right to privacy, and the right to access healthcare.

However, despite the constitutional guarantees, the right to life and dignity remains a distant dream for many vulnerable sections of society, including women, children, marginalized communities, and the poor. The challenges include inadequate implementation of laws, social and economic disparities, and the persistence of patriarchal attitudes and practices.

Therefore, there is a need for greater awareness, effective implementation of laws, and proactive measures to address the structural and systemic barriers that prevent individuals from realizing their right to life and dignity. The Indian Constitution recognizes the right to life and dignity as fundamental, and it is the responsibility of the state and society to ensure that this right is upheld for all individuals.

INTRODUCTION

The right to life and the right to live with dignity are two fundamental rights protected by the Indian Constitution. While Article 21 explicitly safeguards the right to life and personal liberty, the Indian judiciary has interpreted this right to also include the right to live in dignity. The right to live with dignity is an important component of the right to life, and it includes access to basic requirements such as food, water, healthcare, and education. The Indian Constitution recognises the significance of these rights and, through various measures such as Article 15, Article 23, and Article 39, seeks to defend every citizen's right to life and dignity.

Article 15 of the Indian Constitution restricts discrimination based on religion, race, caste, sex, or place of birth, ensuring that every individual is treated equally and with dignity. Article 23 prohibits human trafficking and forced labour, safeguarding persons from being forced to work in harsh conditions that offend their dignity. Through landmark judgements, the Indian judiciary has played a critical role in protecting individuals' right to life and dignity. For example, in the Vishaka case, sexual harassment of women at work was recognised as a violation of their right to dignity. The court set guidelines to protect women from sexual harassment and established a system for filing complaints. Similarly, in the Olga Tellis case, the right to livelihood was recognised as a component of the right to life. The court ruled that everyone has the right to work and that the government must provide basic requirements to the homeless and underprivileged.

The right to life and the right to live in dignity are basic rights protected by the Indian Constitution. These rights ensure that every individual is treated with respect and dignity and that their basic needs are provided, through various laws and judicial interpretation. The Indian judiciary has been vigilant in defending fundamental rights, and its efforts have contributed to the development of a just and equal society.

CONSTITUTIONAL DEBATE ON ARTICLE 21

Article 21 of the Indian Constitution provides every citizen with the right to life and personal liberty. While the provision appears straightforward, there has been significant constitutional debate over the years regarding the scope and interpretation of Article 21. One of the major issues raised by Article 21 is whether the right to life includes the right to die. The Supreme Court of India recognised the

right to die with dignity, stating that individuals had the right to refuse medical treatment.¹ However, the court overruled the Gian Kaur case in the subsequent Common Cause case, being held that the right to life under Article 21 does not include the right to die. The court ruled that the right to life is supreme and that the state is responsible for defending life.

Another point of debate in the Article 21 issue is the definition of the word 'personal liberty.' The word has been interpreted to include numerous rights such as the right to privacy, the right to a livelihood, the right to a clean and healthy environment, and the right to healthcare. However, the government's use of its power to detain individuals, particularly during times of emergency, has been a source of contention. According to the court, the government can only limit an individual's liberty after following due process of law.

Furthermore, there has been debate about whether the right to life under Article 21 extends to animals. While animal rights activists have argued that animals have a right to life, the courts have ruled that they do not, it is limited to human beings.

The Supreme Court has widened the scope of Article 21 to include various aspects such as the right to compensation in cases of wrongful conviction, the right to a speedy trial, and the right to a fair trial. The court has also ruled that the right to life and personal liberty includes the right to privacy, and in the Puttaswamy decision, the right to privacy was recognised as a basic right under the Indian Constitution. Article 21 of the Indian Constitution guarantees every citizen the right to life and personal liberty; yet, its interpretation as well as its scope have been the subject of a significant constitutional debate. Over the years, the Supreme Court of India has played an important role in widening the scope of Article 21, ensuring that every individual is treated with dignity and respect and that their basic needs are met.

¹ [Smt. Gian Kaur vs The State of Punjab on 21 March 1996](#)

CONSTITUTIONAL PROVISIONS W.R.T.

RIGHT TO LIFE

Article 21 of the Indian Constitution

Article 21 of the Indian Constitution is one of the most fundamental and important provisions that guarantee the right to life and personal liberty of all individuals in India. It states that "No person shall be deprived of his life or personal liberty except according to the procedure established by law."²

The term "life" in Article 21 has been given a broad interpretation by the Indian judiciary. It has been interpreted to mean a life that is worth living, which includes a person's physical, mental, and emotional well-being. It encompasses all aspects of a person's life, including the right to livelihood, right to health, right to a clean environment, and right to a fair trial. The concept of "dignity" is strongly related to Article 21's right to life. According to the Supreme Court of India, the right to life includes the right to live with dignity, and any act or law that infringes this right is unconstitutional. The concept of dignity relates to a person's inherent worth, which is independent of external variables such as wealth, social standing, or power. It is a fundamental concept that underlies all human rights and is necessary for safeguarding individual freedom and autonomy.

The right to live with dignity has been recognized as an essential component of the right to work. The Supreme Court has held that the right to work with dignity includes the right to a decent wage, reasonable working hours, and safe and healthy working conditions. The right to live with dignity has also been expanded to include the right to die with dignity. In a landmark judgment in 2018, the Supreme Court recognized the right to die with dignity as a fundamental right under Article 21. The court held that individuals have the right to refuse medical treatment and be allowed to die with dignity.

The right to live with dignity is closely related to the concept of human dignity. Human dignity is the inherent value and worth of every human being, and it is a concept that is recognized by various legal frameworks worldwide. The right to live with dignity ensures that individuals can lead a life of self-respect and fulfilment, and it protects them from any form of violation of their inherent human dignity.

² Article 21 of the Indian Constitution

The Supreme Court of India held that the right to life under Article 21 is not limited to mere survival, but it includes the right to live with dignity³. The court also held that the term "procedure established by law" means a procedure that is fair, just, and reasonable, and it must not be arbitrary, fanciful, or oppressive. This means that any law or action that deprives a person of their life or personal liberty must be reasonable and not arbitrary. The Indian judiciary has widened the scope of the right to life over time to consist of various other rights that are essential for a person to live with dignity. For example, the Supreme Court held that the right to life includes the right to live in a clean and healthy environment. ⁴Similarly, in *Olga Tellis v. Bombay Municipal Corporation*, the Supreme Court held that the right to life includes the right to a livelihood and that no person can be deprived of a livelihood without due process of law.

The Indian judiciary has also held that the right to life includes the right to privacy, which was recognized as a fundamental right in the landmark case of *Justice K. S. Puttaswamy (Retd.) v. Union of India*. In this case, the Supreme Court held that the right to privacy is an essential component of the right to life and personal liberty under Article 21.

Article 14 of the Indian Constitution:

Article 14 guarantees the right to equality before the law and equal protection of the law to all individuals in India. This provision ensures that all individuals are treated equally under the law, and no one is discriminated against based on religion, race, caste, sex, or place of birth. The right to equality is closely linked to the right to life as discrimination and inequality can have a significant impact on a person's ability to live with dignity.

E.P. Royappa v. State of Tamil Nadu (1974): In this case, the Supreme Court held that Article 14 requires that the state must act fairly and reasonably and that it cannot act arbitrarily or capriciously. The court held that the principle of reasonableness is implicit in Article 14 and that any law or action that is arbitrary, discriminatory, or unfair would be violative of Article 14. This judgment established the principle of reasonableness as a key component of the right to equality.

Indra Sawhney v. Union of India (1992): This case is also known as the Mandal Commission case.

³ *Maneka Gandhi v. Union of India*

⁴ *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*

In this case, the Supreme Court held that reservations in public employment and education for socially and educationally backward classes do not violate Article 14 if they are based on a reasonable classification and are aimed at achieving social justice. The court held that Article 14 does not require absolute equality, but only reasonable classification based on intelligible differentia, and that the state has the power to take affirmative action to uplift disadvantaged sections of society

Article 19 of the Indian Constitution:

Article 19 protects the right to freedom of speech and expression, which is essential for the protection of life and liberty. The right to free speech and expression enables individuals to express their views, opinions, and ideas freely, without fear of retaliation. This right is critical for promoting democracy and ensuring that individuals can participate in the governance of the country.

Romesh Thapar v. State of Madras (1950): In this case, the Supreme Court held that the freedom of speech and expression includes the right to criticize the government and its policies and that any law or action that seeks to restrict or curtail this freedom must meet the test of reasonableness and public interest. This judgment established the importance of the freedom of speech and expression in a democracy and emphasized the need to protect it from arbitrary or unreasonable restrictions.

S. Rangarajan v. P. Jagjivan Ram (1989): In this case, the Supreme Court held that the freedom of speech and expression includes the right to express unpopular or controversial views and that any law or action that seeks to stifle or suppress such views would be unconstitutional. The court held that the test of reasonableness and public interest must be applied in a manner that upholds the core values of the Constitution, such as democracy, pluralism, and tolerance.

Suspension of the right to life and personal liberty:

The Constitution of India provides for the suspension of the right to life and personal liberty in certain situations, such as during a state of emergency declared by the President of India. However, even in such circumstances, the right to life cannot be suspended entirely, and it can only be restricted to the extent necessary to deal with the emergency. The Indian judiciary has played a critical role in ensuring that the right to life is not arbitrarily suspended during an emergency, and any restriction must be reasonable and proportionate to the situation.

ADM Jabalpur v. Shivakant Shukla (1976): This case is also known as the "Habeas Corpus case" and is a landmark judgment regarding the suspension of the right to life and personal liberty during a state of emergency. The Supreme Court held that during an emergency, the right to life and personal liberty could be suspended under Article 359 of the Constitution. The court held that during such times, the government could take any action it deemed necessary, and the courts could not question the validity of such actions. This judgment was later overruled by the Supreme Court in 2017.⁵

LANDMARK CASES PERTAINING TO LIFE AND DIGNITY

Maneka Gandhi v. Union of India (1978)

This landmark case in Indian constitutional law established the concept of due process and the right to be heard as a fundamental right under Article 21 of the Indian Constitution.

The case arose when Maneka Gandhi's passport was impounded by the government because it was in the interest of the public to do so. She challenged the government's decision, claiming that it violated her right to freedom of movement, which is protected under Article 21.

The Supreme Court of India heard the case and held that the right to life and personal liberty under Article 21 of the Constitution was not limited to mere animal existence but extended to the full range of human rights, including the right to travel abroad. The court observed that the procedure established by law must be fair, just and reasonable and that the state could not deprive a person of their fundamental rights without following the due process of law. The court also held that the right to be heard was an essential part of the concept of due process. It observed that before any decision affecting a person's rights or interests is taken, that person must be allowed to be heard. The court thus struck down the government's decision to impound Maneka Gandhi's passport, as she had not been given a hearing before the decision was made.

The case of *Maneka Gandhi v. Union of India* was significant in that it expanded the scope of Article 21 to include the right to travel abroad and established the principle of due process as a fundamental

⁵ K.S. Puttaswamy v. Union of India.

right. It also reaffirmed the importance of the right to be heard in any decision that affects a person's rights or interests.

Olga Tellis v. Bombay Municipal Corporation (1985)

This landmark case was heard by the Supreme Court of India in 1985, concerning the right to livelihood and the constitutional validity of the Bombay Municipal Corporation Act, 1888, which allowed for the eviction of pavement dwellers in Mumbai (formerly known as Bombay) without due process.

The petitioner, Olga Tellis, was a social worker who filed a writ petition on behalf of pavement dwellers in Mumbai, challenging the constitutionality of Section 314 of the Bombay Municipal Corporation Act, which empowered the Corporation to remove or evict any person occupying or letting to others any unauthorised structure on any public street or public place. The petitioner argued that the section violated the right to life and livelihood, which is a fundamental right guaranteed under Article 21 of the Indian Constitution.

The Supreme Court, in a landmark judgment, held that the right to livelihood was a part of the right to life under Article 21 of the Constitution. The Court further held that the provisions of the Bombay Municipal Corporation Act, which allowed for the eviction of pavement dwellers without providing any alternative arrangements for their rehabilitation, were unconstitutional. The Court ruled that the government had a positive obligation to provide housing and basic amenities to all citizens, including the homeless and pavement dwellers.

Vishaka v. State of Rajasthan (1997)

This landmark case was heard by the Supreme Court of India in 1997, which led to the establishment of guidelines to prevent sexual harassment in the workplace. The case arose from a petition filed by Bhanwari Devi, a social worker who was gang-raped by upper-caste men in a village in Rajasthan while trying to prevent child marriage. The case raised important questions about the rights of women in the workplace, and the Supreme Court, recognizing the need for a safe and secure work environment, laid down guidelines to prevent sexual harassment in the workplace. These guidelines, known as the Vishaka Guidelines, are not statutory law but have been recognized by the Supreme Court as part of the fundamental right to gender equality and the right to life and dignity.

The Vishaka Guidelines provide a framework for employers to follow to prevent sexual harassment in the workplace. The guidelines define sexual harassment as any unwelcome sexually determined behaviour, such as physical contact and advances, a demand or request for sexual favours, sexually coloured remarks, showing pornography, or any other verbal or non-verbal conduct of a sexual nature. The guidelines also require employers to take preventive measures such as setting up a complaints committee, providing awareness and training programs to employees, and taking appropriate disciplinary action against offenders. The guidelines further provide that if the employer fails to prevent or deter sexual harassment, they will be held liable for any such harassment that occurs. The Vishaka Guidelines have been seen as a significant step towards creating a safe and secure work environment for women in India.⁶ The guidelines have been incorporated into the, which provides a legal framework for preventing and redressing complaints of sexual harassment at the workplace.

Francis Coralie Mullin v. The Administrator, Union Territory of Delhi (1981)

It is a landmark case in India that dealt with the issue of the right to life and personal liberty under Article 21 of the Indian Constitution. The case involved the arrest of Francis Coralie Mullin, a social worker and artist, who was taken into custody by the police without a warrant. Mullin was detained for several hours and subjected to custodial violence, including physical assault and electric shocks. He was released on bail the following day. Mullin filed a writ petition in the Delhi High Court challenging the legality of his arrest and the custodial violence he had been subjected to. The High Court dismissed his petition, but he then appealed to the Supreme Court.

The Supreme Court held that the right to life and personal liberty under Article 21 of the Constitution extends to all persons, including those who are not citizens of India. The Court also held that the right to life includes the right to live with dignity and the right to be free from torture and cruel, inhuman, or degrading treatment. In its judgment, the Court emphasized the need for police officers to follow the due process of law and respect the rights of individuals. The Court also held that the police must follow the guidelines laid down in the landmark case of *D.K. Basu v. State of West Bengal* (1997) to prevent custodial violence and protect the rights of arrested persons.

The case of *Francis Coralie Mullin v. The Administrator, Union Territory of Delhi* (1981) is

⁶ Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

significant as it established the importance of the right to life and personal liberty in India, and recognized the need for the State to protect these rights. It also emphasized the responsibility of law enforcement agencies to respect the rights of individuals, and the need for them to follow the due process of law.

CRITICAL ANALYSIS

The Indian Constitution recognizes the right to life and dignity as fundamental rights. Article 21 of the Constitution provides every citizen with the right to life and personal liberty, which includes the right to live with dignity. The right to life and dignity is a positive right that requires the state to provide basic necessities such as food, shelter, healthcare, and education. The Constitution also prohibits discrimination based on religion, race, caste, sex, or place of birth through Article 15 and prohibits human trafficking and forced labour through Article 23. The Indian judiciary has played a crucial role in protecting and expanding the scope of the right to life and dignity through landmark judgments such as the Vishaka case and the Olga Tellis case. However, the right to life and dignity remains elusive for many vulnerable sections of society, and there is a need for greater awareness, effective implementation of laws, and proactive measures to address the structural and systemic barriers that prevent individuals from realizing their right to life and dignity. The scope and interpretation of Article 21 have also been the subject of significant constitutional debate, with the Supreme Court of India playing a crucial role in widening the scope of the right to life and personal liberty

CONCLUSION

The right to life and dignity is a fundamental right recognized by the Indian Constitution. Article 21 of the Constitution guarantees the right to life and personal liberty, including the right to live with dignity. This right is not limited to mere existence but also includes the right to live with dignity, which encompasses the basic necessities required for a meaningful life.

However, despite the constitutional recognition of this right, there are several challenges that prevent vulnerable sections of society from realizing their right to life and dignity. These challenges include inadequate implementation of laws, social and economic disparities, and the persistence of patriarchal attitudes and practices. For instance, marginalized communities such as Dalits, Adivasis, and women

continue to face discrimination and violence, which violate their right to life and dignity.

The Indian judiciary has played a critical role in protecting fundamental rights, including the right to life and dignity. The scope and interpretation of Article 21 have been the subject of significant constitutional debates. The judiciary has widened the scope of Article 21 to include various aspects such as the right to compensation in cases of wrongful conviction, the right to a speedy trial, and the right to privacy.

The Supreme Court held that the right to life includes the right to live with human dignity, free from exploitation. In another landmark judgment, the Supreme Court held that the right to life does not include the right to die. However,⁷ the Court recognized the right to refuse medical treatment, which can result in the natural death of an individual.⁸

Furthermore, the Supreme Court has emphasized the importance of personal liberty in upholding the right to life and dignity. In the case of *Kharak Singh v. State of U.P.* (1963), the Supreme Court held that the right to personal liberty includes the right to privacy. In subsequent judgments, the Court has reaffirmed the importance of the right to privacy as an essential component of personal liberty.

In conclusion, the right to life and dignity is a fundamental right recognized by the Indian Constitution. The Indian judiciary has played a critical role in protecting this right, by widening the scope of Article 21 to include various aspects and emphasizing the importance of personal liberty. However, challenges such as the inadequate implementation of laws, social and economic disparities, and the persistence of patriarchal attitudes and practices must be addressed to ensure that all individuals can realize their right to life and dignity.

⁷ *Gian Kaur v. State of Punjab* (1996),

⁸ *State of Maharashtra v. Maruti Sripati Dubal* (1987) 2 SCC 684

