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THE IMPORTANCE OF ARTICLE 21: THE RIGHT TO LIFE AND PERSONAL LIBERTY IN THE INDIAN CONSTITUTION.

AUTHORED BY - TWINKLE LINGA

Abstract

As the most prized and essential fundamental human rights, the right to life and personal liberty are the ones that center all other individual rights, making their study extremely important. In fact, researching the right to life involves researching the Supreme Court as a protector of the essential rights of people. The Indian Constitution's "celebrity provision," Article 21, holds a special status as a basic right. It is enforceable against the State and ensures the right to life and personal liberty to both citizens and foreign nationals. A new era of enlargement of the rights to life and personal liberty has been brought about by the new interpretation of Article 21 in the case of Maneka Gandhi. The broad scope assigned to this at current time encompasses a number of elements that the Constitution's original fathers may or may not have imagined.

Keywords: fundamental, rights, state, liberty, life, constitutional provision, article 21, landmark, case laws.

Introduction

Article 21 is one of India's most important and lively provisions in the Indian constitution. It protects the fundamental right to life, freedom, and safety of an individual. Everyone has the right to live their life as they see fit, free from unjust involvement from others. A democracy can only be effective if it ensures that people have the freedom to defend their own lives and liberties. It is part of the Constitution's fundamental rights section. Its importance lies in the broad interpretation of Article 21 by the Indian judiciary. It has broadened its scope to cover more than just survival. It has also extended its scope to dignity, privacy and freedom from State arbitrary action. This provision serves as the foundation of individual liberties. It has helped in safeguarding the rights of the people against State arbitrary action. Enshrined in the nation's founding documents, Article 21 serves as a guiding light, safeguarding the most precious facets of human existence, the individual's right to life and liberty. Its importance goes beyond language and touches on the core

of what it is to be human in a democratic society where the rule of law prevails. Due to concern for human rights and judicial activism, the scope of article has been extended over a period of time including numerous essentials that makes right to life more happening and fulfilling.

Right to Life and Personal Liberty

No one may be deprived of their life until the legal process has been followed, according to Article 21. This entails that every person has the right to live his own life and that their life cannot be taken away unless the accurate legal procedure are followed. A healthy environment, a means of subsistence, and the ability to live with dignity are all included in the concept of the right to life. It safeguards people personal freedoms as well¹. It declares that no one may have their personal freedom taken away from them unless it is done so in accordance with the legal process. One's right to personal liberty includes the ability to travel about freely, select where to live, and work at any legal vocation or to chose any kind of profession.

The Supreme Court ruled in the landmark decision of A.K. Gopalan v. The State of Madras² that personal liberty refers to the "liberty of the body," or the absence of wrongful imprisonment and arrest. The Supreme Court also said that only state-made laws are included in the definition of "law." Thus, it is evident that this was a limited reading of the terms "personal freedom" and "law". Also in case of Maneka Gandhi v. Union of India³, it was said that the right to life and personal liberty guaranteed by Article 21 involve not just the right to exist as a creature but also the right to live in dignity. The court highlighted that the legal process cannot be unjust, harsh, or unfair; rather, it must be fair, just, and reasonable.

Landmark Case laws on Article 21

1. *Sunil Batra vs. Delhi Administration*⁴

The case of Sunil Batra signaled a major shift in Article 21 jurisprudence. The court ruled that the right to human dignity is a part of the right to life. It was declared that the rights to life and personal liberty are violated by torture and cruel confinement in jails. As a result of this ruling, the idea of custodial brutality and the necessity of preserving inmates' dignity have evolved.

¹ Century law firm, <https://www.centurylawfirm.in/blog/article-21-of-the-indian-constitution/>, last visited on [14/04/2024]

² A.K. Gopalan v. State of Madras, AIR 1950, SC 27

³ Maneka Gandhi v. Union of India, AIR 1978 SC 597

⁴ Sunil Batra v. Delhi Administration AIR 1975 SCC 409

2. ***Kharak Singh v. State of U.P. and Ors.***⁵

In this case personal liberty was curtailed. A writ petition was filed by the petitioner challenging the validity of this particular action of the state. It was decided that the freedom from limits on one's movements and the freedom from intrusions into one's private life are both components of the right to personal liberty. Therefore, it was decided that all of the individual's remaining liberties that aren't covered by Article 19(1)⁶ constitute personal liberty.

3. ***Olga Tellis v. Bombay Municipal Corporation***⁷

The petitioners had contested the legality of some sections of the Bombay Municipal Corporation Act 1888, which gave the municipal authorities the authority to take their huts down from public spaces' pavements on the grounds that doing so would violate Article 21 because it would deny them their right to subsistence. The Municipal Authorities were ordered by the court to relocate them only after the present monsoon season ends and to devise a plan that would provide them a specific region where they might earn a living.

4. ***Francis Coralie Mullin v. Administrator of Union Territory of Delhi***⁸

The Supreme Court widened the definition of Article 21 in this decision to include the right to health and medical treatment. The court determined that the right to live with dignity, which includes the right to access to healthcare and medical assistance, is a part of the right to life under Article 21.

5. ***Vishakha v. State of Rajasthan***⁹

A significant ruling in favor of gender equality and the right to a dignified existence was rendered in the case of Vishakha. The Supreme Court acknowledged that a woman's fundamental rights, including as her right to life and personal liberty, are violated when she is subjected to sexual assault at work. The Vishakha Guidelines, intended to tackle and avoid sexual harassment in the workplace and promote women's safety and independence, were developed as a result of this case.

6. ***Bandhua Mukti Morcha v. Union of India***¹⁰

This was the case related to the labors. In this instance, the right to life and personal liberty granted

⁵ Kharak Singh v. State of U.P. & others AIR 1295 SCR 332

⁶ INDIAN CONST. Article 19, cl. 1 talks about right to freely express thoughts, opinions and ideas.

⁷ Olga Tellis v. Bombay Municipal Corporation AIR 1986 SC 180

⁸ Francis Coralie Mullin v. The Administrator, Union Territory of Delhi AIR 1981 SC 608

⁹ Vishakha and others v. State of Rajasthan AIR 1997 SC 3011

¹⁰ Bandhua Mukti Morcha v. Union of India AIR 1984 SC 802

by Article 21 were violated by the practice of bonded labor. The government was ordered by the Supreme Court to take action for the rehabilitation of bound laborers and the outlawing of the practice after it was decided that bonded labor is a kind of slavery.

Conclusion

One of the fundamental rights guaranteed by the Constitution is the right to life, which protects not only one's life and liberty but also other aspects of it such as one's livelihood, dignity, housing, privacy, health, and other aspects that make life valuable. It is not unchangeable and can be restricted by the legal process. Through a number of significant rulings rendered by the Supreme Court, the meaning and application of the concept have changed, encompassing protection against torture, assault against inmates, and the right to a clean and healthy environment. It's crucial to remember that legitimate limitations on the freedoms protected by Article 21 may be placed on them for the sake of morality, public health, national security, or public order. It includes many aspects of life and liberty and is a crucial tool to safeguard individual's life and their respective rights. But these limitations have to be equitable, fair, and consistent with the fairness and reasonableness standards.

