BLOGS

Article 21 under the Indian Constitution

Ruchika Mohapatra · 09 Mar 2024

Article 21 of Indian Constitution is crucial in safeguarding the fundamental rights of individuals, and several landmark cases have played a significant role in shaping its interpretation and application.

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Introduction

Article 21 of Indian Constitution is a fundamental right. It guarantees the right to life and personal liberty to individuals and has been expanded over the years via judicial decisions to include various other rights under its ambit. It can be said to be one of the most important rights enshrined in the Constitution since it protects the right of an individual to live with dignity.

What does Article 21 of Indian Constitution state?

Article 21 of Indian Constitution states:-

"No person shall be deprived of his life or personal liberty except according to procedure established by law."

It simply means that no person can be deprived of their life or their liberty without the due process of law. Article 21 is not just available to citizens, but also to foreigners on the land. Per Justice PN Bhagwati, Article 21 embodies a constitutional value of supreme importance in a democratic society.

Judicial Decisions have interpreted Article 21 in a way so as to include various rights that would enable individuals to live a dignified life. This included the right to education, right to health, livelihood as well as right to a clean environment amongst others.

For example, right to sleep is also included in Article 21. Article 21 also guarantees that Article 21 also includes the right to sleep peacefully without any disturbance.

Landmark Judgements under Article 21

Article 21 has been the subject of several landmark judgments. Here are a few judgements under Article 21.

***Maneka Gandhi v. UoI*:** This case expanded the scope of Article 21 to include the right to travel abroad and stated that any law that restricts this right must meet the test of reasonableness and non-arbitrariness. The procedure established by law should be just, fair and reasonable.

***Olga Tellis Case*:** This case dealt with the right to livelihood and held that Article 21 also includes the right to livelihood under its ambit. The case also spawned a lot of interest in fighting for housing as a fundamental right.

Article 21 has also been used to protect the rights of marginalized communities in various cases. For example, in the case of ***People's Union for Democratic Rights v. UoI*** , the Court held that the right to life and personal liberty includes the right to live with human dignity, and any law that deprives a person of their dignity must be struck down.

In the case of ***Bachpan Bachaao Andolan v. UoI*,** the Supreme Court held that sexual, physical and emotional abuse of children detained in circus is violation of Article 21.

***A. K Gopalan v. State of Madras*:** Personal liberty under Article 21 means the liberty of the physical body and nothing else. Procedure established by law doesn't mean due process of law.

***Paramanand Katara v. UoI*:** The Supreme Court held that all doctors are obliged to extend medical assistance immediately without asking for any legal formalities.

***Murli S. Deora v. UoI*:** In this case, the Supreme Court directed Government to issue orders to ban smoking in public places.

***Justice K.S. Puttaswamy v. UoI*:** In this case, the Supreme Court held that right to privacy is a fundamental right and is protected under Article 21. In this case, the Court also upheld the validity of Aadhar after striking down a few provisions.

Re-Ramlila Maidan Incident v. Home Secretary, UoI: Supreme Court held that the right to sleep is a fundamental right.

***Gian Kaur v. State of Punjab*:** In this case, the Supreme Court held that the 'right to life' does not include the 'right to die'.

The Supreme Court held in the case of ***Aruna Ramchandra Shanbaug v. UoI*** that in certain cases passive euthanasia is allowed.

***National Legal Service Authority v. UoI*:** In this case, the Supreme Court held that self-determination of gender is a part of personal liberty guaranteed under Art. 21.

Conclusion

Article 21 serves as the guardian of two intertwined pillars – the right to life and the right to personal liberty. The framers of the Constitution recognized these rights as inherent, forming the very essence of individual autonomy and dignity. It is is a dynamic provision that has evolved through landmark cases, shaping a robust framework for protecting life and personal liberty. The courts, through their interpretations, have ensured that the state respects the fundamental rights of individuals, emphasizing the need for fair, just, and reasonable procedures.