BLOGS

Landmark Cases on Article 21

Khushi Malviya · 25 Jul 2023

Edit Introduction Landmark Cases under Article 21 A.K. Gopalan v. State of Madras Kharak Singh v. State of UP K.S. Puttaswamy v. UOI Mohini Jain v. State of Karnataka Conclusion

Introduction

Article 21 of the Indian Constitution, derived from the Government of India Act, 1935, safeguards two essential rights: the right to life and the right to personal liberty. It falls under Part III of the constitution, ensuring fundamental rights for all Indian citizens. This article stipulates that no person shall be deprived of their life or personal liberty, except through a lawful procedure. It guarantees various rights and liberties, making it a crucial protection for individuals within the country.

This article will discuss the most essential and landmark judgements of Article 21.

Landmark Cases of Article 21

A.K. Gopalan v. State of Madras

The Supreme Court of India faced a significant case that gained attention as it was the first matter brought before the Apex Court after its establishment in 1950. The case revolved around the interpretation of Article 19 and Article 21 of the Indian Constitution.

However, the court’s ruling was considered unsatisfactory, leading to its classification as a failure in judicial history. The Court’s decision regarding Article 19 and Article 21 raised doubts about the legality of Act 4 of 1950. The Court asserted that similar words used in different provisions should be construed differently as they hold distinct meanings for various provisions.

The petitioner’s argument challenging the violation of Fundamental Rights under Article 21 and the use of the phrase “procedure established by law” not being equivalent to “due process” was

upheld. The Court emphasized that if the legislature had intended these two terms to have the same meaning, they would have explicitly expressed it. The word “law” was clarified to mean ‘Lex,’ indicating that it cannot be used to curtail or infringe upon Article 21 rights.

Kharak Singh v. State of UP

In the Constitutional Bench’s unanimous ruling, with six Supreme Court justices giving concurring opinions, it was held that the relevant provisions of the Uttar Pradesh police regulations were unconstitutional.

Justice Subba Rao, in his opinion, concurred with the finding that domiciliary visits were unconstitutional, but he went further to assert that the regulations in their entirety violated the fundamental rights to freedom of movement and the right to life.

He argued that Article 21 protects against any encroachments on personal liberties, whether direct or indirect, and considered the right to privacy as implicit in Article 21. Justice Subba Rao contended that the supervision of one’s private life as outlined in the regulations aimed to violate this right.

As the regulations were not considered “law,” they lacked the authority to restrict individuals from enjoying their fundamental rights. He also found that the regulations infringed upon the right to freedom of expression under Article 19(1)(a) as they hindered individuals from expressing their innermost thoughts.

Additionally, he held that the regulations violated the right protected under Article 19(1)(d) as they unduly restricted the right to freely move without hindrance. Based on these reasons, Justice Subba Rao concluded that the regulations were violative of fundamental rights principles and, consequently, unconstitutional.

K.S. Puttaswamy v. UOI

In a landmark decision with six separate opinions, the Supreme Court declared privacy to be an independent fundamental right under Article 21 of the Constitution, extending its scope beyond physical invasion to encompass decisions, choices, and freedom of individuals’ body and mind.

The Court overruled previous judgments that denied the existence of the right to privacy as a fundamental right. It rejected the notion of compartmentalizing fundamental rights and

established that privacy was an overarching right enforceable under Part III of the Constitution.

The judgment outlined the standard of judicial review for state intrusion into privacy, necessitating legality, need, and proportionality. Justice S.K. Kaul added procedural guarantees to prevent abuse of such interference.

The Court also recognized sexual orientation as an integral aspect of privacy and emphasized the State's responsibility to protect informational privacy. While calling for a data protection law, the Court left the subject to be legislated by Parliament.

Mohini Jain v. State of Karnataka

In this case, a resident of Uttar Pradesh challenged a notification allowing private medical colleges in Karnataka to charge higher fees for students not allocated 'government seats'.

The Supreme Court of India ruled that such a practice of charging a 'capitation fee' violated the right to education, which is implied from the right to life and human dignity, and the right to equal protection of the law.

Even though there is no explicit constitutional right to education, the Court interpreted it as an essential aspect of the right to life under Article 21 of the Indian Constitution. Moreover, the Court held that private institutions, acting on behalf of the State, have a responsibility to ensure equal access and non-discrimination in delivering higher education.

Conclusion

Article 21 of the Indian Constitution, guaranteeing the right to life and personal liberty, is a cornerstone of fundamental rights, ensuring the protection of individuals' fundamental human rights. Through landmark cases and evolving interpretations, the Supreme Court has reinforced the expansive nature of this article, recognizing privacy as an integral part of the right to life and personal liberty. It has also emphasized the significance of human dignity, right to livelihood, and education under Article 21. These decisions reflect a progressive and inclusive approach, safeguarding individual freedoms, and ensuring that the State acts as a protector and promoter of human rights. Article 21's evolving jurisprudence highlights its crucial role in upholding justice, equality, and the rule of law in India, reinforcing the fundamental principles upon which the nation is built.