



JUDICIAL INTERPRETATION OF ARTICLE 21 IN INDIA: EXPANDING THE SCOPE OF RIGHT TO LIFE

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ABSTRACT

Article 21: Protection of life and personal liberty- No person shall be deprived of his/her life or personal liberty except according to the procedure established by law. This journal traces the evolution of Article 21 through the judgments of the Supreme Court of India and its dynamic interpretation of life and personal liberty. It reflects the democratic implications of broadening its scope and symbolises enhanced constitutional governance in India. Our constitution has time and again proved to be 'living' in its true essence. The expounding nature of Article 21 has fostered judicial review, constitutional morality and substantive due process. As one of the most judicially enshrined provisions, it holds immense significance for Indian law. Article 21 has become a vehicle of socio-economic justice, freedom and human dignity and a tool for progressive constitutionalism. It serves as the cornerstone of India's strong judiciary as a decisive body that guarantees the enforceability of rights and protection from any violation. Landmark judgements include Maneka Gandhi v. Union of India (1978), A.K. Gopalan v. State of Madras, Karmaskar v. State of West Bengal 2011) and Common Clause v. UOI (2018).

Keywords: Article 21, Judicial Review, Substantive Due Process, Landmark Judgements, Socio-Economic Justice.

INTRODUCTION

The evolving and progressive nature of Article 21 is symbolic of the true character of the Indian Constitution and the development in the judicial interpretations. This article is not just a mere clause of words. It is one of the most important provisions of our Constitution that has widened the scope of 'life and personal liberty' over the decades. It has touched every aspect of human life and dignity over a long period of time. Article 21 in its expansive meaning encompasses

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various rights such as the right to live with dignity, the right to shelter, the right to health and even the right to privacy. The ambit of Article 21 is a sacred constitutional space that creates a relationship between the individuals and the state in a large and democratic country such as India. Law is an ever-evolving concept that is modified according to the needs of society and wider interpretations through landmark judgements. Article 21 beautifully represents the true essence of life and liberty, considering a healthy environment, access to medical care, sanitation, as well as reproductive rights for women. Article 21 is not static. It is both a sword and a shield, preventing misuse of arbitrary powers as well as enabling the enforcement of a wide range of rights. It carries immense practical, philosophical and strategic significance in both litigation and rights-based advocacy. The expansive judicial creativity reflects the constitution's capacity to grow with the nation as it serves- a quality that the framers, in their wisdom, both anticipated and enabled. This article has gradually become the nucleus around which the ethos of justice, dignity and liberty revolve.

A.K. Gopalan v. State of Madras:¹ One of the most prominent cases is that of a communist leader, A.K. Gopalan, who was detained under the preventive detention act of 1950. He wanted justice to be served under Article 32 of our Constitution, which provides legal remedies (heart and soul of the Constitution) for the violation of fundamental rights. The critical ground of the argument was to enforce that articles 19, 21 and 22 were all interdependent and could not function individually. The main idea was to interpret whether Article 21 took into its ambit the due process of law. The petitioner believed that principles of natural justice were being violated. However, the apex court very narrowly interpreted the scope of Article 21, restricting it to the procedure established by law. It was Honourable Justice Faiz Ali from the bench who dissented and held that it was constitutionally significant to read articles 19, 21 and 22 together to broaden the understanding and implementation of law. This judgment of the Supreme Court sparked questions about the comprehensive functioning of constitutional provisions. It was only through the landmark judgement of *Maneka Gandhi v UOI* that this interpretation was broadened to expand the scope of Article 21.

Maneka Gandhi v UOI:² The Supreme Court of India is the highest legal authority for safeguarding democracy and providing justice to the people through a wide understanding of the constitutional provisions. Through the landmark case of *Maneka Gandhi v Union of India*,

¹ A.K. Gopalan v. State of Madras AIR 1950 SC 27

² Maneka Gandhi v Union of India AIR 1978 SC 597

the golden triangle rule was established by our apex court. The petitioner's passport had been impounded by the authorities on the grounds of public interest. No reasons were revealed for such an administrative order when Maneka Gandhi wrote to the regional passport officer. The petitioner filed a writ petition in the Hon'ble Supreme Court of India under Article 32 for violation of fundamental rights guaranteed under Part III of the Indian Constitution. One of the most critical arguments was to decide if there was a due connection between three constitutional provisions- articles 19, 21 and 22. It was for the court to also decide if the right to travel abroad was one of the rights guaranteed by it, and if section (10)(3)(c) of the Passport Act, 1967, violated these rights. The court ruled that the actions of the government were completely unreasonable, as the right to freedom of movement was guaranteed under Article 21. However, it did not strike down section (10)(3)(c) as unconstitutional. Rather, it only read procedural safeguards into the provision to ensure its compliance with provisions of the Constitution.

Hussain v. Union of India:³ As a result of excessive delay in the conduct of criminal trials in India, the landmark case of Hussain v. Union of India finally arose. The petitioners accused were undertrial prisoners who had remained in custody for a very long period. According to them, such delays necessarily violate their fundamental rights and ensure efficiency and effectiveness of speedy trials again, under the ambit of Article 21 of the Indian Constitution. The most prominent bone of contention was that these prisoners were being held in custody because of procedural delays. The court ruled that it is significant to introduce guiding policies to hasten the process of criminal justice and foster speedy trials, thereby ensuring accountability under the law. It was directed that more judges be appointed to facilitate trials so that appeals be disposed of within specific timeframes.

Budhadev Karmaskar v. State of West Bengal:⁴ Another significant case in the legal history of India that deeply expanded the nature of Article 21 is that of Budhadev Karmaskar v. State of West Bengal. The facts of the case are criminal in nature. A 45-year-old woman, who was a sex worker, was sleeping near a staircase when the accused physically assaulted her, dragged her by her hair and repeatedly banged her head against the wall & floor. Her condition was so serious that ultimately, she had to be rushed to the hospital, and 11 injuries were found, of which she was declared dead by the doctors. Evidence was produced through statements of

³ Hussain v. Union of India, AIR 2017 SC 1363

⁴ Budhadev Karmaskar v State of West Bengal AIR 2011 SC (CRIMINAL) 575

other sex workers as well as medical reports of the doctors. The accused was sentenced to life imprisonment as he was charged with murder. The word 'life' in Article 21 means a life of dignity and not just an animal life. The Hon'ble Supreme Court of India emphasised that everybody, regardless of their profession, is entitled to live a dignified life under Article 21 of our Constitution.

Common cause v. UOI (2018):⁵ A public interest NGO, namely 'Common Cause', wrote to the Ministry of Law and Justice on the issue of the right to die with dignity. It was hoped that the patients who underwent surgery due to chronic diseases would be given a rightful opportunity to execute living wills in case they were to be placed in a hospital bed for medical treatment, so that any more pain could be eliminated. An expert committee was set up to determine the essence of 'living wills and the idea of passive euthanasia, as well as their impact. After an extremely long period of time, it was in 2018 that the right to die with dignity was declared a fundamental right under Article 21 of the Indian Constitution. The judgment legalised passive euthanasia, which involves withholding or withdrawing life-sustaining treatment to allow a terminally ill patient to die naturally. The Court also validated the use of Advance Medical Directives, noting that through this mechanism, individual autonomy could be safeguarded to provide dignity in death. However, due to the seriousness of the judgment, modifications are being demanded to streamline the process. This case followed previous various landmark judgements, including *Gian Kaur v. State of Punjab* (1996), *Aruna Shanbaug v. Union of India* (2011), etc.

EXPANDING SCOPE AND NATURE OF ARTICLE 21

As a result of multiple legal cases and landmark judgements, the interpretation of Article 21 has broadened in nature and scope. Through just a few cases mentioned in this article, it is clear how limitless the study and depth of this provision of our constitution is. Article 21 has been described as the heart of fundamental rights by our Hon'ble Supreme Court. From privacy to socio-economic justice to health and medical care to clean air and water, Article 21 has time and again proved to be one of the most essential provisions carefully drafted by our constitution makers. Even though the petitioners are limited, the impact of their cases that overturn the previous rulings of the judiciary affects millions of people in different parts of the country with similar circumstances. Ever since the case of *A.K. Gopalan v State of Madras*, wherein the

⁵ *Common cause v Union of India* AIR 2018 SC 1665

interpretation of the article was limited, legal professionals and citizens have raised issues that had to be addressed for the overall good of society at large.

CONCLUSION

Initially, Article 21 was considered a mere provision for protection against arbitrary deprivation of life. Over a huge span of time, it has undergone a remarkable transformation through judicial interpretation. It has strengthened the authority of the state to create meaningful conditions to live life rather than being just tolerable. It now assures timely delivery of justice, right to speedy trial, right to shelter, right to adequate pension for the senior citizens, right to livelihood, etc. The expansive nature of this provision has allowed courts to ensure that fundamental rights are enforced and remedies are provided in case of any violation. As the scope of the right to life grows, Constitutional law is put to the test with substantive demands of justice in a changing world. The judiciary has mostly played a significant role by ensuring a positive impact on the lives of marginalised communities. This highlights the Constitution's ability to serve justice as a living instrument. Article 21 has enhanced the quality of judicial interpretation and service over time, providing justice to the people in need and ensuring that the right to life does not mean only survival in its literal sense but also includes basic conditions, means of livelihood and sufficient circumstances to sustain human needs. It has developed as the cornerstone of constitutionalism in India. Justice Chandrachud also interpreted Article 21 broadly, asserting that the right to life includes the right to a dignified existence and that dignity was a core value that permeates all fundamental rights guaranteed by the Constitution. His interpretations highlighted the importance of safeguarding an individual's ability to make decisions. Justice A.P. Shah of the Delhi High Court rightly quoted "Article 21 is the heart of the Constitution and the most organic and progressive provision in our living document", which clearly sums up the essence of this journal article and provides a ray of hope to all individuals seeking justice.