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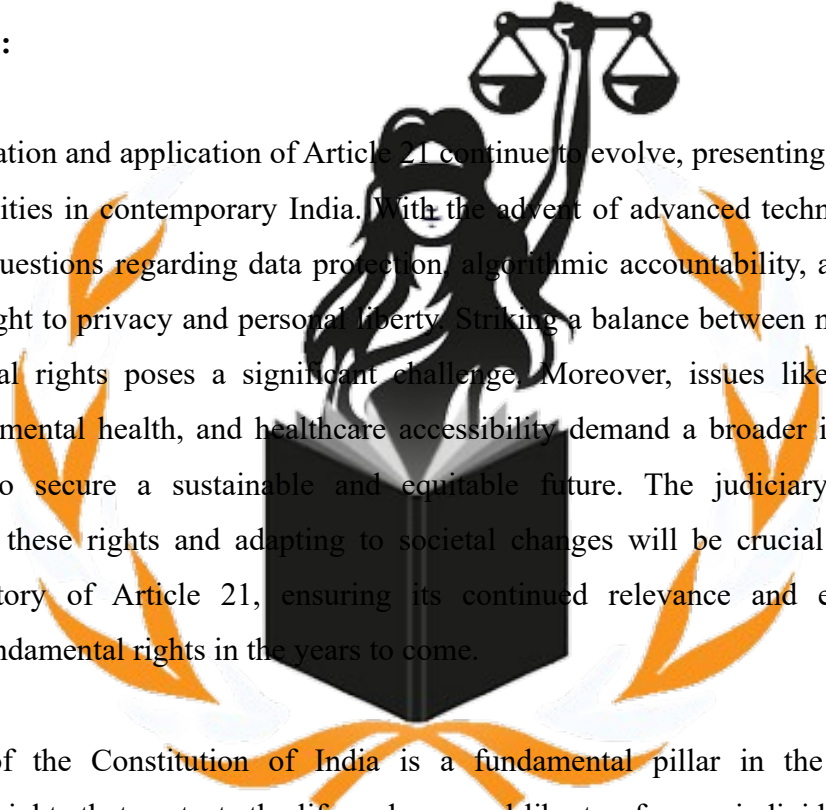
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Article 21 of the Constitution of India: Safeguarding Fundamental Rights and Liberties

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Introduction:



The interpretation and application of Article 21 continue to evolve, presenting new challenges and opportunities in contemporary India. With the advent of advanced technologies and the digital age, questions regarding data protection, algorithmic accountability, and surveillance impact the right to privacy and personal liberty. Striking a balance between national security and individual rights poses a significant challenge. Moreover, issues like environmental degradation, mental health, and healthcare accessibility demand a broader interpretation of Article 21 to secure a sustainable and equitable future. The judiciary's vigilance in safeguarding these rights and adapting to societal changes will be crucial in shaping the future trajectory of Article 21, ensuring its continued relevance and effectiveness in upholding fundamental rights in the years to come.

Article 21 of the Constitution of India is a fundamental pillar in the framework of fundamental rights that protects the life and personal liberty of every individual. This article is enshrined in Part III of the Indian Constitution, which guarantees fundamental rights to all citizens and even extends some of these rights to non-citizens. The interpretation and application of Article 21 have evolved significantly over the years through judicial pronouncements, setting the stage for ensuring justice, fairness, and the rule of law in society.

Understanding Article 21:

Article 21 of the Indian Constitution states, "No person shall be deprived of his life or personal liberty except according to a procedure established by law." The significance of this provision lies in its commitment to safeguard the life and personal liberty of every individual, making it a fundamental right that cannot be violated except through a lawful procedure.

1. Right to Life:

The primary aspect of Article 21 is the right to life. The right to life is not merely an existence but encompasses the right to live with dignity and enjoy all the basic amenities necessary for a decent life. This right extends to various aspects such as right to health, right to clean environment, and right to livelihood.

2. Right to Personal Liberty:

The right to personal liberty under Article 21 ensures that individuals have the freedom to make choices and decisions regarding their life and body. It protects them from unlawful detention or imprisonment and guarantees personal freedom subject to reasonable restrictions imposed by law.

3. Procedure Established by Law:

The phrase "procedure established by law" signifies that any deprivation of life or personal liberty must be in accordance with a valid law. The law should be just, fair, and reasonable and should conform to the principles of natural justice. It ensures that no arbitrary or capricious actions violate an individual's rights.

Evolution and Interpretation:

Over the years, the Indian judiciary has expanded the scope and interpretation of Article 21 to cover a wide range of rights and liberties. The Supreme Court of India has consistently interpreted "life" expansively, including various facets such as the right to privacy, right to education, right to health, and the right to a clean environment within its ambit.

1. Right to Privacy:

In landmark judgments like Justice K.S. Puttaswamy (Retd.) v. Union of India, the Supreme Court recognized the right to privacy as an integral part of the right to life and personal

liberty under Article 21. This decision marked a significant development in protecting an individual's autonomy and personal space.

2. Right to Dignified Death:

In the case of *Common Cause (A Regd. Society) v. Union of India*, the Supreme Court recognized the right to die with dignity as a fundamental aspect of Article 21, paving the way for the concept of 'living will' and 'passive euthanasia'.

Evolution through Case Laws:

1. *Maneka Gandhi v. Union of India* (1978)

The case of *Maneka Gandhi v. Union of India* was a watershed moment in the interpretation of Article 21. The Supreme Court held that the term "procedure established by law" in Article 21 must be fair, just, and reasonable. It introduced the principle of "due process" and emphasized that any law depriving a person of life or personal liberty must conform to the principles of natural justice.

2. *A.K. Gopalan v. State of Madras* (1950):

Initially, in *A.K. Gopalan v. State of Madras*, the Supreme Court interpreted Article 21 in a restrictive manner, separating the right to life from personal liberty. However, this approach was later criticized and evolved to a broader understanding, emphasizing the interconnectedness of the right to life and personal liberty.

3. *Sunil Batra v. Delhi Administration* (1978):

In the *Sunil Batra* case, the Supreme Court held that the right to live with human dignity is an integral part of the right to life under Article 21. It emphasized that it is the duty of the State to preserve and protect human dignity, even for convicts.

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

This case reaffirmed the expanded interpretation of Article 21, emphasizing that the right to life includes the right to live with human dignity, free from torture, cruelty, and degradation. The court recognized the right to medical treatment and the importance of providing appropriate medical care to detainees.

5. Gian Kaur v. State of Punjab (1996):

The case of Gian Kaur was a significant turning point in the context of euthanasia. The Supreme Court held that the "right to life" under Article 21 does not include the right to die or the right to be killed. It upheld the constitutional validity of Section 309 of the Indian Penal Code, which criminalizes the attempt to commit suicide.

6. Selvi v. State of Karnataka (2010):

In Selvi v. State of Karnataka, the Supreme Court expanded the interpretation of Article 21 to include the right against self-incrimination. It recognized the right against forced narco-analysis, brain-mapping, and other intrusive tests, reaffirming the protection of personal liberty and dignity.

Certainly, let's further explore the evolution of Article 21 through notable cases and its interplay with other fundamental rights.

Interplay with Other Fundamental Rights:

1. Mohini Jain v. State of Karnataka (1992):

This case affirmed the relationship between Article 21 and the right to education. The Supreme Court held that the right to education is implicit in the right to life and personal liberty under Article 21. It emphasized that education is a vital tool to exercise other fundamental rights.

2. Olga Tellis v. Bombay Municipal Corporation (1985):

In this case, the Supreme Court recognized the right to livelihood as an essential aspect of the right to life under Article 21. It held that the government cannot deprive a person of his or her livelihood without following a just and fair procedure.

3. Vishaka v. State of Rajasthan (1997):

The Vishaka case was a landmark decision concerning the right to live with dignity and protection against sexual harassment. The Court recognized that a safe working environment is integral to a person's right to life and personal liberty, emphasizing the state's obligation to ensure a safe workplace.

Recent Developments:

1. Puttaswamy v. Union of India (2017)

In a historic judgment, commonly known as the "Right to Privacy" case, the Supreme Court unanimously recognized the right to privacy as a fundamental right under Article 21. The judgment emphasized that privacy is an essential aspect of personal liberty and dignity.

2. Navtej Singh Johar v. Union of India (2018):

This case dealt with the decriminalization of homosexuality. The Supreme Court held that discrimination on the basis of sexual orientation violates Article 15 and Article 21, emphasizing the right to live with dignity for every individual, irrespective of sexual orientation.

Conclusion

Article 21 of the Constitution of India is the cornerstone of individual rights, encompassing the right to life and personal liberty. Its interpretations and applications have expanded over the years, acknowledging various facets of human existence and dignity. The interplay of Article 21 with other fundamental rights ensures a comprehensive protection of individuals'

rights and liberties, reinforcing the democratic fabric of the nation. The evolving jurisprudence surrounding Article 21 reflects the commitment of the judiciary to uphold the constitutional principles and adapt them to the changing needs of society.

Article 21 of the Indian Constitution is a dynamic provision that has evolved over time through judicial interpretations, reinforcing its role in safeguarding fundamental rights and liberties. The expansive interpretation of the right to life and personal liberty by the judiciary ensures that the principles of justice, fairness, and human dignity remain at the forefront of the Indian legal system.

Article 21 of the Indian Constitution is a vital provision that guarantees the fundamental right to life and personal liberty, ensuring that no person is deprived of these rights except in accordance with a fair and just procedure established by law. The courts continue to interpret and expand the scope of this article, enhancing the protection of fundamental rights and liberties for the citizens of India.

