

Extending and Evolving Article 21's Scope in Accordance with the Changing Circumstances

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Abstract: India is a developing nation in terms of improving people's lives as well as its economy. The Indian Constitution, which guarantees everyone the fundamental right to life, whether or not they are citizens, makes this evident. One of the most significant rights granted to individuals is this one, which cannot be restricted- not even under dire circumstances. The Supreme Court of India referred to this right as the "Heart of Fundamental Rights". It is a right that encompasses not just one's ability to survive but also the ability to live a full life that is filled with meaning, dignity, and education. The most exquisite aspect of this article is that it is not a rigid guideline; rather, it adapts to changing circumstances over time.

Keywords: Right to Life, Fundamental Rights, Human Dignity, Indian Constitution, Constitutional Protection

1. Introduction

The soul of our Constitution has been aptly described as our Fundamental Rights. These rights are recognized on Earth as necessary for human existence and as prerequisites for the advancement of society. It guarantees civil liberties so all Indians can enjoy peaceful, harmonious lives as Indian citizens. The most liberal democracies are well aware of the individual benefits they entail, which include equality before the law, freedom of speech and expression, freedom to practice any religion, protection of life and personal liberty, and the right to constitutional remedies. Regardless of color, place of birth, religion, caste, creed, or sexual orientation, these rights are outlined in Part III of the Constitution.

Article 21 of the Constitution guarantees a right that is critical to the survival of humankind among all the rights provided under Part III. Article 21 declares that "No person shall be deprived of his life or personal liberty except according to the procedure established by law." Protecting against violations of an individual's liberty or dignity is the main goal of this fundamental right. As determined in the case of *The Chairman, Railway Board & Ors vs. Mrs. Chandrima Das & Ors*, this aid is available to every "person," regardless of whether they are citizens of India. With numerous diverse subsidiary rights emerging, it is one of the most important fundamental rights. It is an emerging section of the statute, not something dormant.

In addition, it is necessary to connect this Article with other provisions in light of judicial activism in order to view it from a progressive and productive perspective that encompasses modern society.

2. History

The legislative history of Article 21 states that it was first enacted as Article 15 by the Constituent Assembly, which said that "No person shall be deprived of his life or liberty without the due process of law." The Drafting Committee then suggested two changes to Article 15. First, the term "personal" was placed before "liberty." The second change was to say "except according to the procedure established by law" in place of "without due process of law." Since they felt

that the term "due process" was being misused in the American legal system, the Drafting Committee passed the second amendment.

Furthermore, it was the result of a conversation between Frankfurter J. of the US Supreme Court and Sir B. N. Rau, the advisor to the Constitutional Assembly. Frankfurter J. conveyed that the due process clause is oppressive to the judiciary and undemocratic because it gives judges the power to overturn laws passed by democratic majorities.

3. Importance

Article 21 of the Indian Constitution forbids the denial of rights unless authorized by legal processes. It is the foundation of our Constitution, its heart. It is the most straightforward and progressive clause in our constitution, and it applies to all Indian citizens as well as those who are foreign nationals. Its roots can be traced to various international human rights instruments, including the British Magna Carta (1215), Article 3 of the Universal Declaration of Human Rights (1948), Article 9 of the same instrument, Article 2 of the European Convention on Human Rights (1950), and Article 9 (1) of the UN Covenant on Civil and Political Rights (1966). All of these have recognized the human being as a corporeal entity and have worked to protect it from the abuse of rulers or the State.

Nonetheless, only in India, as per Article 21 of the Constitution, has the human being in its entirety been visualized and attempts have been made to ensure his total well-being, prosperity, holistic development, and freedom from suffering. As noted by Justice Field in *Munn v. Illinois*, the word "life" encompasses more than just animal existence; it incorporates both the physical presence and the quality of life. "Personal liberty" refers to a range of rights and benefits that are necessary to attain happiness with liberty, in addition to being free from arrest, detention, and false or wrongful confinement.

J. Bhagwati states that "Article 21 comprises a constitutional value of paramount significance in a democratic society." According to Iyer J., Article 21 is "the procedural Magna Carta, protective of life and liberty."

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The Scope of Article 21

Article 21 declares that “No person shall be deprived of his life or personal liberty except according to the procedure established by law.” Consequently, Article 21 establishes two fundamental rights: (1) The right to survive, and (2) Individual freedom of choice. Despite being one of the most important fundamental rights, it is not unqualified like other rights. In addition to protecting fundamental human rights, Article 21 allows for reasonable limitations on those rights through legal procedures.

Right to Life

The right to life includes all viewpoints that contribute to the essential, all-encompassing, and worthwhile conception of a man’s life. It is essential to our survival as humans and cannot exist without it. It is the only Article in the Constitution that has been interpreted as broadly as possible. It also covers the rights to development, housing, and food, as these are the minimal essential elements required for an individual to have the right to life and other rights.

Personal Liberty

The right to one’s own liberty is one of the main principles that national courts are meant to protect. As declared in the English Magna Carta of 1215, “no free man shall be taken or imprisoned, but . . . by the law of the land.” The Indian Supreme Court disapproved of the notion that liberty is limited to independence from physical restraints, holding that emancipation encompasses the opportunities and entitlements widely acknowledged as essential for an independent human being to work for peace.

Dicey remarks that a person’s right to be free from all forms of physical tyranny—including detention, arrest, and other forms of restraint- without a court order, is known as personal liberty. Through a series of authoritative rulings by the Apex Court, beginning with *A. K. Gopalan v. the State of Madras*, AIR 1950 SC 27, the interpretation of Article 21 has advanced significantly.

The Procedure Established by Law

In the Court’s view, the expression “lawful procedure” means there needs to be a law, and the procedure should be followed. That implies that Article 21 provides an administrative safeguard. Article 21 comprises the term “procedure established by law” and not “Due Process of Law” because “Due Process of Law” is primarily a substantive due process. Procedural due process includes both law and procedure, and means that both should be reasonable, i. e. based upon the principles of natural justice.

The way the phrase “procedure established by law” is interpreted in the *Maneka Gandhi* case is the most important and fruitful component. It states that the process ought to be logical, reasonable, and non-arbitrary. Justice Krishna Iyer remarked, “Procedure in Article 21 means fair and not formal procedure and the law is a reasonable law and not any enacted piece.”

Article 21’s Expanding Ambit

Due to legal precedents, the scope of Article 21 has grown over time. The elaboration of this article can be compared to a voyage that began with the *A. K. Gopalan* case and

continues in a winding manner from the *Maneka Gandhi* case to the present. The *Maneka Gandhi* case overturned the *Gopalan* ruling, declaring that Articles 19 and 21 are not impenetrable barriers and that no legal process resulting in deprivation of life or liberty may be unjust, irrational, or arbitrary.

The interpretation of Article 21 has been increasingly liberal throughout time, resulting in the inclusion of other rights essential to a person’s well-being, such as the right to a dignified death, the right to sleep, and many others. A few of the entitlements are discussed below.

Right to Live a Dignified Life

Ensuring that an individual has the Right to Live is not sufficient. Respect and dignity are essential elements of life. Because of this, everyone has been guaranteed the right to live with dignity, which entails having access to the necessities of human life in addition to having autonomy over one’s own choices.

In *Occupational Health and Safety Association v. Union of India* (2014), it was determined that the best conditions for human dignity were the guarantee of workers’ health and strength as well as their access to fair and safe working conditions.

In the landmark 2018 case of *Navtej Singh Johar v. Union of India*, the Court held that Section 377 of the IPC was in conflict with Articles 14, 15, 19, and 21 of the Indian Constitution to the extent that it prohibits adults from engaging in consensual physical acts in private. As a result, it was determined that adult LGBT sexual actions carried out with the consent of all involved persons were legal.

Right to Livelihood

An individual needs material and financial resources to meet his many demands in order to survive. The law recognizes that every person, regardless of gender, has an equal right to a means of subsistence so that they can acquire necessities such as food, clothing, water, and other resources. Nobody can justify enduring starvation and suffering due to being denied the opportunity to prosper personally.

In *Olga Tellis and Ors. v. Bombay Municipal Corporation* (1986), while the court ruled that the government was justified in evicting slum-dwellers abusing public resources, it also decided that since they had occupied those areas out of pure helplessness, they should not be considered trespassers. The case was successful in safeguarding the Right to Livelihood as a component of the Fundamental Right to Life.

Right to Privacy

Although the right to privacy seems like a necessary and reasonable property right, it was not recognized by the government as a clearly defined right for a long time. A person’s sovereignty over their body, intelligence, and knowledge has been increasingly recognized over time. In *R. Rajagopal v. State of Tamil Nadu* (1994), the right to privacy was affirmed in the context of an autobiography written by a convict whose publication was being blocked by prison authorities.

In the landmark 2017 case of *Justice K. S. Puttaswamy (Retd.) v. Union of India*, a nine-judge Constitutional bench decided that the right to privacy, including the right to keep personal information secret, was a component of the right to life granted by Article 21. The Court criticized certain provisions of the Aadhaar Act, 2016 even as it upheld the constitutional legitimacy of the Aadhaar Card.

Right to Medical Assistance and Health

If every person lacks access to adequate healthcare and medical support, the right to life cannot be upheld. It is the most essential necessity for leading a full life. In *Pt. Parmanand Katara v. Union of India* (1989), it was acknowledged that Article 21 provides paramount significance to the protection of human life. It was decided that all medical professionals have a duty to provide timely medical attention to all patients without being prevented by procedural formalities, and no medical expert would be unnecessarily summoned to provide proof in court. This case released medical personnel from judicial restrictions while imposing on them the obligation to protect patients' right to life.

Right to Sleep

The Right to Sleep is a distinct fundamental right that protects against State acts that could wrongfully deprive someone of their sleep. This right was substantiated in *Re-Ramlila Maidan Incident v. Home Secretary and Ors.* (2012), arising from a June 2011 yoga camp at Ramlila Maidan that turned into a hunger strike against corruption by Baba Ramdev. During the night, when participants were sleeping, a large force arrived to disperse the gathering, leading to violence.

The Court affirmed that getting enough sleep is essential for maintaining personal tranquility and for leading a healthy existence, and that everyone has the right to sleep in the same comfort and unrestricted manner as they breathe. Any interruption of someone else's sleep without a valid reason is cruel and a violation of that person's human rights. Forcing the sleeping persons to leave and inciting violence were therefore ruled to be illegal.

4. Conclusion and Advice

The scope of the Right to Life and Personal Liberty is vast and will only grow with time. A person's ability to influence the different viewpoints in his life and so enhance his quality of life is being increasingly recognized. The Apex Court described this right as the "heart and soul" of our Constitution, and it certainly demonstrates that it fulfills the most basic needs for human life.

However, because they are specifically not guaranteed by the Constitution, these planned rights that are growing under the scope and ambit of Article 21 are frequently brought before courts for decision-making. In light of this, it can be said that our Constitution does not provide any assurance that citizens will be able to assert their claim to the right to live lives of opportunity and honor. The Preamble of our Constitution establishes the fundamental framework of our government; therefore, Article 21 must be significantly enlarged to ensure that all wisdom is periodically reaffirmed.

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