



---

# Article 21 of the Indian Constitution: A Fundamental Right to Life and Personal Liberty

**Aakarshika Shree**

Advocate

District & Session Court, Bokaro

---

## ARTICLE DETAILS

---

Research Paper

---

Keywords :

*Article 21, Indian Constitution, right to life, judicial interpretation, personal liberty.*

---

## ABSTRACT

---

*Article 21 of the Indian Constitution guarantees the protection of life and personal liberty, prohibiting their deprivation except through a procedure established by law. Initially interpreted narrowly, its scope has expanded significantly through judicial interpretation, encompassing the right to live with dignity, the right to privacy, the right to education, and the right to a healthy environment. Landmark cases such as *Menka Gandhi v. Union of India* and *Francis Coralie Mullin v. Union Territory of Delhi* have played a pivotal role in this evolution, ensuring that Article 21 remains a cornerstone of individual rights in India. Despite its broad scope, Article 21 is not absolute and is subject to exceptions, particularly in times of national emergency. This article explores the judicial expansion of Article 21 and its impact on fundamental rights in India.*

---

## Introduction

Article 21 of the Indian Constitution is one of the most significant and widely debated provisions in Indian constitutional law. It guarantees the protection of life and personal liberty, stating:

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

This seemingly simple provision is the cornerstone of various judicial interpretations and the development of fundamental rights in India. Over the years, it has become a key element in protecting individual rights and ensuring justice and fairness within the legal system.



## Historical Context

The origins of Article 21 can be traced to the Constitution's framers, who sought to establish a democratic framework where individual rights were safeguarded. However, unlike many liberal constitutions, the Indian Constitution's initial interpretation of Article 21 was narrow, focusing mainly on protection from unlawful detention and deprivation of life or liberty.

## Key Concepts of Article 21

### 1. Right to Life:

The term “life” in Article 21 has been expansively interpreted by the judiciary. In its early interpretation, it was believed to mean mere animal existence, i.e., not being deprived of life arbitrarily. However, the landmark case of *Maneka Gandhi v. Union of India* (1978) expanded the meaning to encompass the right to live with dignity, which includes access to basic necessities such as food, shelter, and healthcare.

### 2. Personal Liberty:

The term “personal liberty” refers to freedom from arbitrary arrest, detention, and restrictions on an individual’s freedom of movement. It also includes rights related to personal decisions such as the right to privacy, bodily autonomy, and even the right to refuse medical treatment.

### 3. Due Process of Law:

Although the Indian Constitution originally used the term “procedure established by law,” it was later interpreted by the Supreme Court to align with the concept of “due process.” In *Maneka Gandhi* and other cases, the Court ruled that laws must be just, fair, and reasonable. A law that is arbitrary or unreasonable can be struck down as unconstitutional, even if it follows procedural formality.

## Judicial Expansions of Article 21

Several landmark judgments have expanded the scope of Article 21 beyond its literal text, making it one of the most dynamic rights in the Indian legal landscape:

### 1. *Kharak Singh v. State of Uttar Pradesh* (1963):

This case affirmed the protection of personal liberty and privacy, setting the foundation for future cases involving individual freedoms.

### 2. *Francis Coralie Mullin v. Union Territory of Delhi* (1981):

The Court held that the right to life under Article 21 includes the right to live with dignity, which encompasses a variety of socio-economic rights like health, education, and shelter.



### **3. R. Rajagopal v. State of Tamil Nadu (1994):**

In this case, the Court recognized the right to privacy as an essential component of personal liberty under Article 21, marking a major expansion of individual freedoms.

### **4. Right to Education (2002):**

The landmark judgment in *Unni Krishnan v. State of Andhra Pradesh* (1993) established the right to education as part of the right to life under Article 21. Later, the 86th Constitutional Amendment (2002) provided for free and compulsory education for children between the ages of 6 and 14.

### **5. Right to Pollution-Free Environment:**

In a series of judgments, including *Subhash Kumar v. State of Bihar* (1991) and *Vellore Citizens Welfare Forum v. Union of India* (1996), the Supreme Court held that the right to a healthy environment is implicit in the right to life under Article 21.

### **6. Right to Information (2005):**

The Right to Information (RTI) Act, 2005, was considered an extension of the right to life and personal liberty, as it empowered citizens to access government-held information, thus promoting transparency and accountability in governance.

### **Article 21 and Fundamental Duties**

While Article 21 secures individual rights, it also complements the Fundamental Duties outlined in Part IV-A of the Constitution. These duties, such as respecting the rights of others and promoting harmony, serve to balance individual liberties with societal interests.

### **Limitations and Exceptions**

While Article 21 guarantees the right to life and personal liberty, it is not absolute. The Constitution allows for exceptions, particularly in cases of national emergency. During a state of emergency, Article 21 can be suspended, allowing for arbitrary detention, provided the procedure is established by law.

### **Right to Life under the Japanese Constitution**

The right to life is a fundamental concept enshrined in the Constitution of Japan, specifically in Article 13, which states:

"All people shall be equal under the law and shall not be discriminated against in political, economic, or social relations because of race, creed, sex, social status, or family origin. The State shall respect and shall not violate the right to life, liberty, and the pursuit of happiness."

This provision, in conjunction with other sections of the Constitution, forms the foundation for the protection of life, liberty, and personal security in Japan. The Japanese Constitution, adopted in 1947



under the post-World War II Allied occupation, places a strong emphasis on individual rights and human dignity.

## **Key Aspects of the Right to Life in the Japanese Constitution**

### **1. Constitutional Guarantee of Rights:**

Article 13 is part of the broader framework of human rights protections under the Japanese Constitution, which has a distinct emphasis on individual dignity. It mandates that the state must respect and ensure the right to life, which includes protection against arbitrary deprivation of life and bodily harm.

### **2. Interpretation by the Judiciary:**

Japanese courts have interpreted the right to life as a fundamental principle that requires state intervention in ensuring the protection of citizens' health, safety, and welfare. However, this right is balanced with considerations such as national security and public order. The judiciary generally has a narrow interpretation when it comes to issues like capital punishment, which remains a legal practice in Japan, albeit under strict conditions.

### **3. Right to Life and Capital Punishment:**

Despite the broad recognition of the right to life, Japan continues to retain the death penalty, making it one of the few developed democracies to do so. The legal system has maintained that capital punishment is consistent with the right to life under the Constitution, provided it is applied in a fair and just manner, following a due process of law. The Japanese Supreme Court has affirmed this stance in several decisions, underscoring the constitutional legitimacy of the death penalty under certain conditions.

### **4. Protection Against Arbitrary Deprivation of Life:**

The right to life in Japan also encompasses protection against arbitrary actions by the state that could endanger an individual's life. This includes laws governing the use of force by law enforcement, as well as the duty of the state to protect citizens from harm. In cases of wrongful imprisonment, excessive use of force, or violations of health and safety regulations, the government is obligated to uphold its citizens' right to life and well-being.

### **5. Social Welfare and Public Health:**

The state has an obligation under the Constitution to ensure conditions that allow individuals to live healthy and fulfilling lives. This is particularly evident in the areas of healthcare, public safety, and social welfare programs. The right to life, in this sense, also includes access to medical care, public health services, and the protection of citizens from environmental and occupational hazards.



In summary, the right to life under the Japanese Constitution is framed as an essential aspect of individual dignity, with broad protections against arbitrary actions by the state. While the right to life is respected in principle, Japan's ongoing use of the death penalty presents a complex challenge in interpreting this right fully. The Japanese approach to the right to life balances individual freedoms with public interests, including national security, safety, and social welfare. The evolution of this right continues to be shaped by judicial interpretations and societal values.

## **Right to Life under the U.S. Constitution**

The right to life in the United States is primarily derived from the Fifth and Fourteenth Amendments to the U.S. Constitution, which prohibit the government from depriving individuals of life, liberty, or property without due process of law. While the U.S. Constitution does not explicitly mention a "right to life," this principle is inherent in these due process clauses and has been interpreted and expanded through various landmark court rulings.

### **1. Fifth and Fourteenth Amendments:**

Fifth Amendment:

"No person shall be... deprived of life, liberty, or property, without due process of law."

This clause guarantees that no person can be deprived of their life without the legal process being followed, i.e., a fair trial and lawful procedure.

Fourteenth Amendment:

"Nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

This extends the protections of the Fifth Amendment to include actions taken by state governments, ensuring that states also follow due process before depriving anyone of their life.

Thus, the right to life under the U.S. Constitution is tied to the principle of due process, which ensures that any deprivation of life must follow a legal procedure that is fair, transparent, and just.

### **2. Judicial Interpretation:**

The U.S. Supreme Court has significantly shaped the understanding of the right to life through judicial interpretations, particularly in relation to the death penalty and abortion rights.

#### **a) Death Penalty:**

The U.S. retains the death penalty, and its constitutionality has been upheld by the Supreme Court, notably in the 1976 case *Gregg v. Georgia*, which ruled that the death penalty, when applied in accordance with legal procedures, does not violate the Eighth or Fourteenth Amendments. While this decision



acknowledges the right to life, it affirms that the state can deprive an individual of life under certain conditions, provided there is due process.

However, the Court has also placed restrictions on the death penalty. For instance, in *Atkins v. Virginia* (2002), it ruled that executing individuals with intellectual disabilities violated the Eighth Amendment's prohibition against cruel and unusual punishment. Similarly, in *Roper v. Simmons* (2005), the Court banned the execution of minors.

**b) Right to Abortion:**

The U.S. Supreme Court, in *Roe v. Wade* (1973), initially interpreted the right to life to mean that a woman's right to privacy, rooted in the Due Process Clause of the Fourteenth Amendment, extended to her decision to have an abortion. However, this was controversial, and in 2022, *Dobbs v. Jackson Women's Health Organization* overturned *Roe v. Wade*, ruling that there is no constitutional right to abortion. The decision emphasizes that the right to life and the state's interest in protecting potential life can override a woman's right to choose an abortion.

**3. Right to Life in Context of Self-Defense:**

The U.S. legal system also recognizes the right to life in the context of self-defense. The Second Amendment, which guarantees the right to bear arms, is often discussed in relation to an individual's right to protect their life. The Supreme Court has held that individuals have the right to defend themselves against imminent threats to their life or well-being.

**4. Right to Life and Public Safety:**

The right to life has also been interpreted in relation to public safety. For instance, laws regarding law enforcement use of force, the regulation of weapons, and healthcare protections all intersect with the right to life. In this context, the government is expected to take reasonable steps to protect its citizens' lives, as seen in debates over healthcare reform and gun control.

**5. Life, Liberty, and Happiness – The Broader Understanding:**

While the specific phrase "right to life" is not used explicitly in the U.S. Constitution outside of the Fifth and Fourteenth Amendments, it is often interpreted as part of the broader notion of individual rights and liberty, drawing on the Declaration of Independence, which states that all individuals are endowed with "unalienable Rights" including "Life, Liberty, and the pursuit of Happiness." This philosophical foundation has influenced the way courts interpret the rights of individuals, balancing personal freedoms with governmental authority.



In the U.S., the right to life is fundamentally connected to the due process clauses of the Fifth and Fourteenth Amendments, ensuring that no person is deprived of life without proper legal procedures. Through key Supreme Court rulings, the right to life has been examined in the context of capital punishment, abortion, self-defense, and public safety. While the right to life is constitutionally protected, it has been subject to various judicial interpretations, reflecting the complex balance between individual rights and societal interests.

## Conclusion

Article 21 of the Indian Constitution stands as a powerful pillar of justice, safeguarding an individual's right to life and personal liberty. Its dynamic interpretation by the judiciary has led to the recognition of a broad range of rights under its umbrella, making it one of the most transformative provisions of the Constitution. As India continues to evolve, Article 21 will likely remain at the heart of legal reforms, ensuring that the nation's commitment to justice, equality, and individual freedoms endures.

## References

1. Baral, R. (2016). The right to life and personal liberty under Article 21 of the Indian Constitution. *Journal of Constitutional Law*, 4(2), 45-59.
2. Chandrachud, D. Y. (2020). Expanding the scope of Article 21: A critical review of judicial interpretations. *Constitutional Law Review*, 7(3), 233-246.
3. Desai, M. (2014). The evolution of Article 21: From negative to positive rights. *Indian Law Review*, 9(1), 71-89.
4. Ghosh, S. (2019). Article 21 of the Indian Constitution: A shield for personal liberty and dignity. *Constitutional Justice Journal*, 12(4), 121-135.
5. Jain, M. P. (2016). *Indian constitutional law* (8th ed.). LexisNexis.
6. Khosla, M. (2009). Democracy and the right to life in India. *The Indian Journal of Political Science*, 70(2), 127-141.
7. Krishnan, J. (2018). Right to life and dignity: The jurisprudence of Article 21. *Human Rights Law Journal*, 24(2), 134-147.
8. *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.
9. Mehta, P. B. (2004). The changing scope of Article 21: A study of judicial activism in India. *Journal of Indian Law and Society*, 5(3), 54-70.
10. Murthy, D. N. (2002). The right to life: A comparative study of constitutional jurisprudence. *Comparative Constitutional Law Review*, 8(2), 98-113.



11. Rajagopal v. State of Tamil Nadu, (1994) 6 SCC 632.
12. Reddy, A. (2015). The constitutional right to life and personal liberty: A study of Article 21 and its implications. *Indian Constitutional Studies*, 10(1), 77-91.
13. Reddy, P. (2011). Right to life and the expanding horizon of Article 21. *National Law Journal*, 15(4), 122-135.
14. Subhash Kumar v. State of Bihar, (1991) 1 SCC 598.
15. Subramanian, A. (2013). The evolution of personal liberty under Article 21: From procedural to substantive rights. *Indian Law Journal*, 22(1), 52-67.
16. Supreme Court of India. (1991). *Vellore Citizens Welfare Forum v. Union of India* (1996) 5 SCC 647.
17. Tiwari, S. (2020). Constitutional rights and their enforcement in India: The role of Article 21. *Constitutional Law Review*, 13(4), 115-129.
18. Unni Krishnan v. State of Andhra Pradesh, (1993) 1 SCC 645.
19. Upadhyay, P. (2012). Article 21 and the right to education in India: A progressive perspective. *Journal of Educational Law*, 16(3), 233-248.
20. Verma, S. (2008). Article 21 and the right to privacy: Judicial interpretations and implications. *Privacy Law Review*, 14(2), 101-116.