
FROM MERE EXISTENCE TO A LIFE OF DIGNITY: THE EXPANDING SCOPE OF ARTICLE 21

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ABSTRACT

Article 21 of the Constitution of India provides that no person shall be deprived of life or personal liberty except according to procedure established by law. Though expressed in a single sentence, the provision has become one of the most dynamic guarantees in Indian constitutional jurisprudence. The Supreme Court of India has progressively transformed Article 21 from a primarily procedural safeguard into a substantive guarantee encompassing dignity, autonomy and meaningful liberty. Beginning with the restrictive interpretation adopted in *A.K. Gopalan v. State of Madras* and the subsequent transformation brought by *Maneka Gandhi v. Union of India*, Article 21 has expanded to include fair procedure, speedy trial, humane prison conditions, livelihood, healthcare, environmental protection, privacy, reproductive autonomy and dignity at the end of life.

This article discusses the evolution of Article 21 and how the Supreme Court has reacted to the changing social, technological and medical situations. It claims that the extension of Article 21 is not a free roam of the judges granting new rights. Instead, it is an interpretation that is developing over time of the constitutional ideals of life, liberty and human dignity. Concurrently, the growth of the size of the expansion has legitimate concerns about separation of powers, institutional competence, judicial overreach and limited public resources allocation. It is, therefore, suggested that a constitutional jurisprudence of Article 21 can be constructed on the basis of constitutional text, dignity, proportionality, evidence and institutional restraint. The case of *Harish Rana v Union of India*, a recent one, is discussed as a modern case example of the concept of dignity and autonomy in the context of the right to medical care and the right to die with dignity.

1. INTRODUCTION

The Constitution of India provides for rights to life and personal liberty which states: “No person shall be deprived of his life or personal liberty except according to procedure established by law.”¹ The provision is so short, but its constitutional importance is very great. Article 21 of the Indian constitution has seen the most radical changes of all provisions.

The single idea at the heart of this metamorphosis, "what is the meaning of the word life in the Constitution of the United States? ," is very easy to state yet very difficult to answer. Does it only ensure the condition of living or does it ensure the conditions of living in a dignified, autonomous and meaningful way? The latter understanding has increasingly been embraced by a strand of Indian constitutional jurisprudence.

Today, the meaning of Article 21 is not limited to protection from unlawful physical deprivation. The right to life has been linked to fair procedure, speedy trial, humane prison conditions, livelihood, health care, environmental protection, privacy, bodily integrity, reproductive choice, dignity at the end of life by judicial decisions. The provision has become an important constitutional tool by which courts react to situations not explicitly foreseen during the drafting of the Constitution. But it's not without controversy. Such a wide interpretation of Article 21 could empower the judiciary to safeguard people against any serious violation that would not be included in the conventional understanding of fundamental rights. However, at the same time a very broad interpretation could make courts into forums for the solution of every social, economic or policy conflict. Issues around health systems infrastructure, environmental regulation, technological governance and the allocation of public resources are too complex for courts to decide.

The main idea of this article is, therefore, two-fold. The first is that the constitutional interpretation which creates new protections from the values of life, liberty and dignity is constitutionally valid. Secondly, such expansion has to be held to principled boundaries. The Court of the Constitution must safeguard fundamental rights without intruding on the legislative or executive power-making functions.

It is important to remember that Article 21² is not a process of transitioning between two

¹ INDIA CONST. arts. 21.

² INDIA CONST. arts. 21.

predetermined lists of rights; rather, it is an ongoing constitutional journey in the search of what life means to a human being as a person who has dignity, liberty and autonomy.

2. FROM FORMAL PROCEDURE TO CONSTITUTIONAL FAIRNESS

Initially Article 21 was interpreted much more restrictively than it was at the time. In *A.K. Gopalan v. State of Madras*³: Supreme Court took a formal and compartmentalised approach to fundamental rights. Articles 14, 19 and 21⁴ were basically discussed independently of each other, and minimal interaction occurred between them.

In this scheme, the main question under Article 21, was whether the State had deprived the person of life or personal liberty in a manner laid down by law. The Court did not impose at first the general requirements of fairness and reasonableness on the procedure, which were to be later the core of the doctrine of Article 21. This tactic began to show its shortcomings. In theory, if the legislature had enacted the procedure, the State could seriously restrict freedom of speech without having to comply with any formal procedure.

It is only after *Maneka Gandhi v. Union of India*⁵ that a decisive shift in the constitutional position took place. The Supreme Court has said that the procedure envisaged under Article 21 should be “fair, just and reasonable” and not be arbitrary, oppressive or fanciful. More importantly, the Court rejected the idea of fundamental rights as parcelled out boxes. Articles 14, 19 and 21 were interpreted as being mutually linked guarantees that together make up a constitutional protection of individual liberty. The importance of *Maneka Gandhi* isn't just in the words “fair, just and reasonable.” This ruling changed the role of Article 21 in the constitution. There was no longer a sufficient statutory procedure. The procedure and its action were required to meet the constitutional requirements.

Thus, Article 21⁶ shifted from a formal protection against deprivation of life and liberty in accordance with law to a substantive constitutional protection against arbitrary interference with life and liberty.

³ A.I.R. 1950 S.C. 27 (India).

⁴ INDIA CONST. arts. 14,19 &21.

⁵ (1978) 1 S.C.C. 248 (India).

⁶ INDIA CONST. arts. 21.

3. FROM PHYSICAL EXISTENCE TO HUMAN DIGNITY

After understanding constituency of Article 21 substantively, the meaning of “life” itself had to be taken into consideration.

In *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*⁷, the Supreme Court recognised that the right to life includes the right to live with human dignity. The Court's reasoning challenged the notion that there is a point of constitutional protection after biological death. There are qualitative aspects to human life and conditions that eliminate essential dignity can be a violation of the enjoyment of Article 21 even if the person's life is extended to the physical level. This principle was especially relevant in the case of inmates and those under a State's control. Deprivation of liberty does not take a person out of the realm of human dignity.

This position was further elaborated in the case of *Bandhua Mukti Morcha v Union of India*,⁸ where the definition of constitutional security of life in relation to bonded labour and exploitative conditions were discussed. The case findings showed that the Constitution is more interested in whether a person lives or not, but whether he or she lives in circumstances that are consistent with basic human dignity.

The doctrinal evolution can thus be summarized in a concise statement: Article 21 speaks about the human being and not the human body. This knowledge in turn formed the basis for other aspects of Article 21.

4. LIBERTY, SPEEDY JUSTICE AND HUMAN TREATMENT

Article 21 was now expanded, changing the types of protection afforded to people under the criminal justice system.

In *Hussainara Khatoon v. Home Secretary (State of Bihar)*⁹, the Supreme Court had taken cognisance of speedy trial being an integral part of Article 21¹⁰. The case brought to light the long detention of persons in custody who had not yet been convicted, including those who were detained for more than the maximum sentence for which they could have been convicted.

⁷ (1981) 1 S.C.C. 608 (India).

⁸ (1984) 3 S.C.C. 161 (India).

⁹ (1980) 1 S.C.C. 81 (India).

¹⁰ INDIA CONST. arts. 21.

The case was a reminder of an important constitutional principle: that the time between proceedings can be a deprivation of liberty. The legal system can't guarantee liberty if guilt is the punishment itself. Likewise, in *Sunil Batra v Delhi Administration*¹¹, the Supreme Court pointed out that imprisonment doesn't abrogate all fundamental rights. A prisoner is still a constitutional person and has a right to protection against cruel, degrading and arbitrary treatment under the constitution.

The cases are illustrative of the substantive nature of Article 21. The State has the power to take away an individual's freedom, but not unlimited power. A prisoner's constitutionality lives on after prison. Article 21 not only decides when one's liberty can be withdrawn, but also, how the State has to deal with those whose liberty is lawfully withdrawn.

5. LIVELIHOOD AND THE CONDITIONS OF SURVIVAL

Later the meaning of life under Article 21 was stretched to include various conditions that allow life to continue beyond physical security.

In *Olga Tellis v. Bombay Municipal Corporation*¹², the Supreme Court recognised the close relationship between livelihood and the right to life. Deprivation of livelihood may have direct impact on the livelihood of people who rely on daily income for their living. *Olga Tellis* does not, however, imply a blanket Constitutional right to occupy public property, or a guarantee of a specific economic outcome. It goes further than that, however, in acknowledging that State action which impacts on livelihood is not always divorced from the constitutional protection of life.

What this shows is that Article 21 jurisprudence can be a very context-oriented concept. The significance of livelihood is constitutional when its denial poses a threat to the basic conditions for human life. Meanwhile, judicial recognition of livelihood needs to be harmonized with the other public interests. The administrative aspects of urban planning, public infrastructure, land use and allocation of public resources are complex. Courts must therefore refrain from taking it upon themselves to shape a comprehensive economic or urban policy.

¹¹ (1978) 4 S.C.C. 494 (India).

¹² (1985) 3 S.C.C. 545 (India).

6. THE RIGHT TO HEALTH AND STATE RESPONSIBILITY

The constitutional meaning of life has also gained considerable importance in the healthcare field.

In *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*¹³, the Supreme Court discussed the inadequacy of the government hospitals to provide proper emergency medical treatment to an injured person. The Court noted the State's duty to save human lives and dismissed administrative issues as adequate grounds for neglecting to provide necessary emergency care. The verdict is the positive aspect of Article 21¹⁴. It is not enough for the State to simply not cause harm in order to fulfill the right to life. In fitting cases, it can mandate on the part of the State reasonable steps to save lives.

However, the right to health does not necessarily mean the right to all possible medical treatment. Infrastructure, medical knowledge, and competing public priorities are all necessary for healthcare systems. Any coherent reading of Article 21 should thus make a clear distinction between the constitutional duty to save life from serious threat and a judicially enforceable right to access all forms of health care. The former is clearly related to Article 21, the latter might need policy choices in the legislative and administrative arena.

7. ENVIRONMENTAL PROTECTION AND THE QUALITY OF LIFE

The right to life under the Constitution is inextricably linked with the environment in which humans live.

Even if contaminated air, contaminated water and dangerous industrial processes do not kill people right away, they could still be dangerous for people's health and livelihood. Thus, environmental jurisprudence as per Article 21¹⁵ has evolved from the perspective that the quality of life is ambulatory of constitutional meaning.

Supreme Court in case of *Subhash Kumar v. State of Bihar*¹⁶ has affirmed the right to enjoy water and air free of pollution as a part of the right to life. The concept of environment protection was further substantiated as a constitutional matter in the larger *M.C. Mehta* line of

¹³ (1996) 4 S.C.C. 37 (India).

¹⁴ INDIA CONST. arts. 21.

¹⁵ INDIA CONST. arts. 21.

¹⁶ (1991) 1 S.C.C. 598 (India).

cases.

This is a good example of how Article 21 is flexible. Environmental dangers can appear in many different shapes and forms, which do not generally fit the mould of the "right to life" traditional struggles against physical deprivation. However, where the environmental degradation poses a serious threat to the health and human existence, the values underlying Article 21 come into play directly.

However, judicial intervention shall take into account institutional constraints. Scientific evaluation, technical expertise and long-term policy planning are frequently needed to conduct environmental governance. Courts are most effective when they uphold constitutional and statutory requirements where serious breaches occur and competent authorities have the discretion to devise the nitty-gritty of environmental policy.

8. PRIVACY, AUTONOMY AND PERSONAL CHOICE

The recognition of privacy and autonomy is perhaps the most noteworthy aspect of the change that Article 21 underwent in the modern era.

Justice K. S. Puttaswamy (Retd.) v. Union of India¹⁷ was a nine-judge Bench, which unanimously held that privacy is a Fundamental Right. The connection between privacy and dignity, liberty, bodily integrity, identity and personal autonomy were made in the judgement. Protection of privacy doesn't only apply to physical trespass. It includes a person's sphere of information and the right to make personal decisions with no unwarranted involvement from the State. The recognition of privacy is particularly important in a digital society. The requirement for the collection, storage, processing and analysis of personal information has been vastly increased by modern technology, beyond what was envisioned when the Constitution was drafted. The use of biometric identification, algorithmic profiling, digital surveillance and large-scale databases provide new method of interference with personal autonomy. The Court did, however, state that privacy is not sacrosanct. The interference with privacy must comply with the constitution, including the principles of legality, legitimate State purpose and proportionality.

The principle of proportionality is significant as it ensures that constitutional protection of

¹⁷ (2017) 10 S.C.C. 1 (India).

privacy does not stand in the way of legitimate governance. A democratic State has legitimate reasons to collect information in order to prevent crime or protect national security. The question of the constitutionality of interference is whether it is legally permitted, aimed at a legal purpose and is proportionate to that purpose. In *Anuradha Bhasin v. Union of India*¹⁸, the Supreme Court also highlighted the constitutional aspect of proportionality in the context of restrictions by the State on fundamental freedom.

The principle of autonomy has also been expressed in cases of identity, sexuality and reproductive choice. The Court in *Navtej Singh Johar v. Union of India*¹⁹ linked the concepts of dignity, privacy, identity and individual choice, which meant that consensual relationships between adults were being protected. Reproductive choice was a part of personal liberty as acknowledged by the Court in the case of *Suchita Srivastava vs. Chandigarh Administration*²⁰.

These decisions highlight the fact that the Article 21²¹ protects the physical context in which an individual lives but also the constitutional space that is created for a person to engage in basic choices regarding his or her identity, body and personal life.

9. DIGNITY AT THE END OF LIFE

But a question which is bound to trouble the mind, whether dignity can be constitutionally relevant when a person is nearing the end of life is inevitably raised. The solution had been building up gradually.

In *Gian Kaur v. State of Punjab*²², the Supreme Court did not accept the existence of a 'right to die' in general but did acknowledge of dignity attached to the 'process of natural death'. The matter was then discussed in *Aruna Ramachandra Shanbaug v. Union of India*²³ in which the Court looks at passive euthanasia and withdrawal of life-sustaining treatment.

The event of a major constitutional development took place in the case of *Common Cause (A Registered Society) v. Union of India*²⁴. A Constitution Bench ruled that the right to die with

¹⁸ (2020) 3 S.C.C. 637 (India).

¹⁹ (2018) 10 SCC 1.

²⁰ (2009) 9 SCC 1.

²¹ INDIA CONST. arts. 21.

²² (1996) 2 SCC 648.

²³ (2011) 4 SCC 454.

²⁴ (2018) 5 SCC 1.

dignity was recognised under Article 21²⁵ and laid the groundwork for the withholding of and withdrawal from medical treatment, provided there were safeguards. There was no general constitutional right to die; no law or decision legalised active euthanasia. Instead, it focused on situations where the provision of continuing life-sustaining medical care is likely to be contrary to individual dignity and autonomy. This separation is very important. The constitutional protection is not a right to order the State to kill. Instead, it sees that medical treatment does not inevitably have to be prolonged indefinitely when circumstances exist in which the autonomy and dignity of the person protected by the constitution also calls for its withdrawal or withholding.

10. HARISH RANA AND THE CONTEMPORARY DEVELOPMENT OF END-OF-LIFE JURISPRUDENCE

The evolution of Article 21 on the issue of end-of-life care is evident in the Harish Rana judgement, which was delivered by the Supreme Court on 11 March 2026. The Supreme Court itself in the case of Harish Rana v. Union of India²⁶, 2026 INSC 222, which focuses on passive euthanasia, withdrawal of Clinically Assisted Nutrition and Hydration (“CANH”) and the development of guidelines outlined in Common Cause, identifies the case as related to passive euthanasia.

The case involved Harish Rana who was severely injured by a traumatic brain injury and was in a permanent vegetative state for about thirteen years. The Court had to rule on whether the administration of CANH in a medical context involved medical treatment that could be stopped in the constitutional sense of passive euthanasia. It found that medical administration of CANH was a medical intervention, and in a suitable case, could be covered by the principle of withdrawal of life sustaining treatment. This is important, as it overturns the fiction that treatment and sustenance are necessarily separate from each other, simply because nutrition and hydration are normally linked with basic human needs. More significantly, the ruling shows how complex it is to decide what is in a patient's best interests when the patient can't speak for himself. The Court's stance involved balancing subjective and objective aspects of autonomy and medical evaluation.

The subjective dimension is related to the patient's own values, wishes, beliefs and previous

²⁵ INDIA CONST. arts. 21.

²⁶ 2026 SCC OnLine SC 79.

preferences (if available) expressed by the patient. Family members can offer information that is relevant to the patient's personality, values and previous decisions, but their views should not replace the patient's autonomy. The objective dimension, however, needs to consider the patient's medical state, prognosis and the risks and benefits of continuing or stopping treatment.

The Primary and Secondary Medical Boards thus have a significant evidentiary and procedural role. Their medical assessment gives a factual basis for the decision as to whether the patient's condition meets the constitutional and medical criteria for withdrawing treatment. The Court's reasoning thus steers clear of both extremes, namely that the dignity and autonomy of the patient cannot be completely lost in a medical assessment and that the family's preferences cannot decide a matter that demands specialist clinical judgment. This is a balancing exercise, especially under Article 21²⁷. If the patient is not able to make a living choice, dignity is not just the patient's subjective preference, which cannot be determined. Meanwhile, there is no strict clinical definition of dignity. Both the patient's personality and appropriate medical evidence must be part of the constitutional inquiry. The Court also enhanced the protections of the procedure for making end-of-life decisions. Medical boards are involved and a structured decision-making approach will limit arbitrary and unilateral choices regarding the withdrawal of treatment.

Therefore, the significance of the case of Harish Rana is not limited to passive euthanasia. It exemplifies the working of Article 21²⁸ in the context of autonomy, dignity, medical uncertainty and the preservation of life. The case demonstrates that constitutional rights protection is not just about recognizing a substantive right but carefully-designed procedures for asserting that right.

11. THE DIGITAL AGE AND THE RIGHT TO BE FORGOTTEN, ARTICLE 21

Technological development is a new frontier of Article 21. The Constitution never could have envisaged the creation of biometric databases, AI, algorithmic decision making, digital surveillance or mass processing of personal data. However, the constitutional principles of privacy, dignity and autonomy continue to apply as there is no constitutional right that is extinguished by technology.

²⁷ INDIA CONST. arts. 21.

²⁸ INDIA CONST. arts. 21.

It is against this background that the principle laid down in *Justice K.S. Puttaswamy (Retd.) v. Union of India*²⁹, can be used as the basis for considering such developments. The dilemma is to balance between the individual right to privacy and the need of the State and society for certain interests. It is therefore important that the constitutional analysis be directed towards legality, legitimate purpose and proportionality. The "public interest" alone is not sufficient to justify interference with personal liberty or privacy. The State must show a legal and constitutionally valid basis for the interference.

This is similar to the case of new technology. AI and automated decision-making can impact people in ways that are not clearly known or explainable. If these systems impact liberty, identity, privacy or other fundamental interests, constitutional review could be needed. Article 21³⁰ as a result illustrates the ongoing pertinence of the constitutional principles, even if the factual circumstances of those principles evolve.

12. FROM NEGATIVE RIGHTS TO POSITIVE STATE OBLIGATIONS

The concept of Article 21 comes to life in the development and shows that the right to life could have measurable negative and positive obligations. The negative obligation is that of the State not to deprive individuals of life or personal liberty in an arbitrary manner. In appropriate circumstances, the State has a positive obligation to take reasonable actions to protect life and dignity. This evolution is illustrated by the jurisprudence:

- *Hussainara Khatoon* — speedy trial and protection against prolonged detention.
- *Sunil Batra* — humane treatment of prisoners.
- *Olga Tellis* – livelihood and survival.
- *Paschim Banga* — emergency medical treatment.
- *Subhash Kumar & M.C. Mehta* – environment protection.
- *Puttaswamy* — privacy, dignity and autonomy.

²⁹ (2017) 10 SCC 1.

³⁰ INDIA CONST. arts. 21.

- Dignity at the end of life is a concern of Common Cause.
- Harish Rana — medical treatment, best interests and passive euthanasia.

Common principle is not that State must ensure all desirable conditions of human life. Instead, if the conduct or inaction of the State in such a serious manner poses a threat to protected interests relating to life, liberty or dignity, Article 21 bars the State from remaining constitutionally indifferent. This difference is crucial to avoid an unending list of socio-economic rights in Article 21.

13. THE LIMITS OF JUDICIAL EXPANSION

The amendment of Article 21³¹ is undoubtedly a boon for the individual rights. It has also raised some fair doubts about the judiciary's overreach, however.

Firstly, institutional competences. Courts are well qualified to decide if state action infringes on constitutional rights, but courts are not necessarily the best institutions to design complex health care systems, to create environmental policy or decide the allocation of scarce public resources. Separation of powers is the second issue. Different roles given to the legislature, executive and judiciary in the Constitution. A distinction between adjudication and governance may start to fade if judicial interpretation goes beyond the bounds of the constitution to creating a prescriptive public policy. The third one is remedial feasibility. Declaring a constitutional right is a thing one; actually putting it into practice can be a lot of work and cost a lot of money, as well as the need for special administrative arrangements. The concerns should not be a justification for inaction by the judiciary when fundamental rights are actually being violated. They instead uphold a responsible method of constitutional interpretation. Courts should intervene where there is a real threat to the right to life, liberty and/or dignity; where State action is arbitrary, discriminatory or disproportionate; where the State's existing duties have been breached; or where vulnerable individuals are not being meaningfully protected. On the other hand, courts should be more suspicious when a proposed remedy involves creating a "whole new public policy," setting technical standards, or constantly overseeing the government's management. Therefore, the right objective is the principle of expansion, not unlimited expansion.

³¹ INDIA CONST. arts. 21.

14. TOWARDS A PRINCIPLED MODEL OF ARTICLE 21

Several constitutional principles ought to be used in guiding the development of Article 21 in the future.

First, dignity should still be the common bond. Dignity is the reason why there is Article 21 protecting interests that may not be related to immediate physical deprivation. Secondly, proportionality should be a corrective to State interference. Restriction of liberty or privacy should be justified by the State according to the following: on the basis of law, purpose and proportionality. Thirdly, evidence should be used to inform adjudication in technically complex areas. Judicial assumptions in the area of medicine, technology or environmental science should be based on relevant expert evidence. Fourthly, judicial administration of policy should not follow automatically as a consequence of recognition of rights. One distinction the courts should make is between declaring constitutional standards and the way of institutions. Fifthly, there should be detailed legislation where there are persistent issues. Harish Rana is a practical example of this. In response to this immediate Constitutional challenge raised by CANH the Supreme Court clarified the concept of passive euthanasia and established a clear procedure. Its recognition of the ongoing need for a comprehensive piece of legislation on end-of-life care was paralleled by this. This is an example of judicial dialogue with the legislature: when the legislature does not provide sufficient regulation, the judiciary protects the constitutional rights of individuals, and acknowledges that a permanent and comprehensive system is more suitable to the legislature.

This judicial discourse is especially useful when it comes to intricate medical and social, and ethical, issues. The Court can establish constitutional minimum standards and act as a safeguard against rights violations for individuals, and Parliament can create a comprehensive framework in statute. This method achieves two seemingly conflicting aims of the constitution: first, to provide effective protection of fundamental rights, and second, to maintain a separation of powers. Article 21³² should, therefore, be interpreted in a way that will benefit constitutional enforcement without judicial usurpation of the function of policy-making.

15. CRITICAL ANALYSIS

The best thing about Article 21 jurisprudence is that it does not allow constitutional rights to

³² INDIA CONST. arts. 21.

remain abstract rights.

A formal right to life would be insufficient if restrictions could be placed on the liberty of prisoners to be treated in ways that are degrading to their human dignity, people could be denied the essential emergency medical treatment necessary to stay alive, or the State could arbitrarily encroach upon intimate personal decisions. The recent expansion of Article 21 has thus allowed constitutional law to address types of harm which it might not have captured in the previous classification of fundamental rights. This is further highlighted by the emergence of a jurisprudence in the field of "End of Life". Common Cause and Harish Rana argue that dignity does not demand the "indefinite continuation of medical intervention simply because biological life is possible. Concurrently, Harish Rana illustrates the importance of recognizing autonomy, while also emphasizing the need for objective medical evaluation and procedural protections.

However, there need to be limits to constitutional interpretation. Recognised fundamental rights are different from recognised constitutional values. Not all good social conditions are ipso facto fundamental rights enforceable in court. It is not sufficient simply to know the concept of dignity to resolve questions of resources, institutional competence and democratic choice. The doctrine of Article 21 then will be the key to the future. Courts should ask:

1. Whether the claimed interest is closely and on a principled basis related to life, liberty or dignity;
2. Whether or not there is a constitutional injury;
3. If the challenged action by the State was arbitrary, unlawful or disproportionate;
4. If there is an existing constitutional or statutory standard that can be applied to adjudication, then whether that standard can be applied; and
5. Whether a remedy can be provided that does not unfairly supplant legislative or executive decision making.

This would maintain the potential of Article 21 to transform but not substitute constitutional adjudication with policy making. The importance of Article 21 should therefore not be interpreted as an unfettered judicial innovation, nor as an unchanging constitutional right. It is more generally recognised as an ongoing interpretive exercise in which constitutional values

are brought to bear on novel challenges to human freedom and human dignity.

16. CONCLUSION

The road that Article 21 travels has been a road of the people from mere existence to life of dignity.

Initially in *A.K. Gopalan*³³, Article 21³⁴ was interpreted in terms of a fairly limited idea of legally required procedure. *Maneka Gandhi*³⁵ changed that when she made it clear that any action that infringes liberty must be fair, just, and reasonable, and that Articles 14, 19 and 21³⁶ are interrelated. The subsequent jurisprudence progressively gave substantive meaning to the right to life. With Article 21, dignity, speedy trial, humane prison conditions, livelihood, healthcare, environmental protection, privacy and autonomy and dignity at the end of life became linked.

The significance of this development is not just in the number of rights that are now recognised by the Supreme Court. It has a deeper meaning that is enshrined in the constitution of the United States: that the person is not just entitled to live, but to live as a human being, with dignity, liberty and autonomy. This is a principle that is still being developed as a result of advances in medical treatment and end-of-life care, as illustrated by the recent case of *Harish Rana*³⁷. The Court's discussion of withdrawing clinically assisted nutrition and hydration, patient's best interests, medical evaluation and procedural safeguards illustrates how Article 21 can respond to situations that were unforeseen at the time of the Constitution's adoption.

Meanwhile, the Court's indication that the need for comprehensive legislation is the need of the hour, marks that constitutional adjudication does not always mean judicial governance. The judiciary can uphold basic rights and not stifle the legislative process from creating a comprehensive regulatory regime. However, the process of constitutional change should not result in constitutional absolutism. The judiciary should uphold fundamental rights and honour institutional limitations and competence, scientific knowledge and the constraints of governance.

³³ AIR 1950 SC 27.

³⁴ INDIA CONST. arts.21.

³⁵ (1978) 1 SCC 248.

³⁶ INDIA CONST. arts. 14,19 &21.

³⁷ 2026 SCC OnLine SC 79.

The question for the future is not whether Article 21 should be changed at all. It inevitably will. But the bigger question is, how will it develop? A principled Article 21 should be sufficiently flexible to respond to any future threats to life and liberty, but still have a clear connection to the constitutional text, the dignity of the person, the law, proportionality, evidence and constitutional restraint. Thus, the process of moving from being born into a dignified life has not yet been completed. It's a constitutional project that will be ongoing, a project that has to be continued—one that has to be sustained, one that has to respect the individual without forgetting the structure of the Constitution in which the protection of the individual is there.