
BEYOND SURVIVAL: THE TRANSFORMATIVE ROLE OF ARTICLE 21 OF THE INDIAN CONSTITUTION

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ABSTRACT

Right to life and personal liberty is enshrined under Article 21 of the Indian Constitution. It is one of the most essential provision of the constitutional framework of India. This research study investigates the changing jurisprudence and multidimensional relevance of Article 21, illustrating its evolution from a restricted understanding of protection against arbitrary executive action to an increasingly wider safeguard covering an extensive array of fundamental liberties. Numerous decisions of the Supreme Court that construed Article 21 to include rights covering diverse aspects such as the right to a clean environment, right to privacy, right to health and medical care, right to shelter and right to education have been analyzed in the research paper.

The Indian court has played a vital role in this development, particularly through historic decisions such as *Maneka Gandhi v. Union of India*, *Olga Tellis v. Bombay Municipal Corporation*, and *Justice K.S. Puttaswamy v. Union of India*. These decisions have not only expanded the scope of life and liberty, but they have also strengthened the concept that constitutional rights must be construed in light of changing circumstances in society and standards. This research additionally goes into the complexity in enacting these rights, the argument about judicial overreach, and the conflict between comprehensive viewpoints and statutory scope. Furthermore, it analyzes the current relevance of Article 21 in relation to innovations in technology, problems with the environment, and public health catastrophic events.

On reviewing constitutional provisions, judicial decisions, and comparative viewpoints, this study demonstrates how Article 21 has gone beyond its textual restrictions to become the foundation of India's human rights law. Numerous landmark judgements of Supreme Court on Article 21 have also emphasized the need for an effective approach in order to create a balance between public interest and protecting the fundamental rights of people. It is concluded by commenting on the ongoing importance of Article 21 as a living tool for upholding justice, dignity, and equality in a constantly evolving democratic society.

Keywords: Article 21, Right to life, Judicial Interpretation, Human Dignity, Constitutional Law (India).

INTRODUCTION

The fundamental rights stipulated in the Indian Constitution are designed to encourage the concept of constitutional democracy as well as protecting people's liberty and independence against intrusion by government officials. Each of the fundamental rights enshrined within the Indian Constitution are derived from or motivated by the United States Bill of Rights Constitution. They aspired to set up a government that revolved around laws rather than individuals. Right to Equality (Article 14-18) enumerates the equal treatment of all citizens of the country regardless of their place of birth, gender, race, caste and religion. Right to Freedom of Religion (Article 25-28) includes opportunity to select, practice, and promote any religion. Cultural and Educational Rights (Article 29-30) enumerates provisions related to safeguarding the interests of minorities and the right to preserve their cultural heritage, languages and scripts. Right to Freedom (Article 19-22) outlines the freedom of speech and expression, the ability to organize into associations, unions, or cooperatives, the ability to travel, live, and work. Right against Exploitation (Article 23-24) covers protection against forced labor and human trafficking. Right to Constitutional Remedies (Article 32) is perhaps the most essential right since it grants the authority to submit a petition to the Supreme Court for the protection of fundamental rights. Right to Property (Article 31) was earlier a fundamental right under the Indian Constitution. But after the 44th Amendment Act of 1978, it has been abolished as a fundamental right and has been declared as a legal right under Article 300A of the Indian Constitution. As is explicitly stated in the constitution by itself, fundamental rights are accompanied by reasonable limitations and are not unfettered. Apart in cases of declared emergency, these rights cannot be relinquished.¹

The safeguarding of life and individual liberty is guaranteed by Article 21 of the Indian Constitution. It declares that no one may be deprived of their life or personal freedom until the legal process is carried out. All people, citizens and foreigners alike, are entitled to this fundamental right. The right to life and the right to personal liberty constitute the two fundamental rights guaranteed through Article 21, which ensures that no one is subject to

¹ "A Short Note on Fundamental Rights of the Indian Constitution" (*Unacademy*, May 15, 2022) <<https://unacademy.com/content/nda/study-material/general-knowledge/fundamental-rights-of-the-indian-constitution/>>.

arbitrary government actions. This right has been declared as the 'heart of fundamental rights' by the Supreme Court of India. Considering it builds the foundation for fundamental rights pertaining to personal freedom and dignity, Article 21 of the Indian Constitution is extremely important. It stipulates that no one can have their life or personal freedom taken away from them without first going through a fair, reasonable, and just legal process. The broad spectrum of rights that are necessary for a meaningful existence, including the right to privacy, the right to education, the right to livelihood, the right to health, and the right to a clean environment, have been interpreted thoroughly by the Supreme Court of India over the years.

HISTORICAL BACKGROUND OF ARTICLE 21

1. Evolution of Article 21 in the Indian Constitution

- **British Rule and the Establishment of the Indian Constitution:** When India was under the British Rule, it faced notable political and social transformations. The conflict for independence resulted in the establishment of the Indian Constitution. Article 21 was adopted in order to guarantee that nobody would be deprived of life or personal liberty unless in compliance with regulations. This was an immediate answer to the arbitrary actions of British administrators'.²
- **Significant Modifications and Constitutional Perspectives:** In the course of several decades, the legal system has construed Article 21 in various manners. In the beginning, it was viewed narrowly, but key decisions have widened the scope of its meaning. The development of Article 21 reflects the transition of India to a society that is more just and equitable. Judicial participation has helped guarantee that the meaning of Article 21 has not been restricted or limited. It has been significantly expanded by numerous major decisions.
- **Comparative analysis with Other Countries:** Article 21 of the Indian Constitution is remarkable for its wide application as compared to the constitution of other democratic countries. While the majority of the countries have identical regulations, the Indian judiciary has granted Article 21 an expanded meaning and importance that goes beyond

² Rishabh, "Article 21: The Expanding Horizon of the Right to Life and Personal Liberty" (*Sleepy Classes IAS*, July 20, 2024) <<https://sleepyclasses.com/article-21-the-expanding-horizon-of-the-right-to-life-and-personal-liberty/#:~:text=Historical%20Context%20and%20Evolution%20of%20Article%2021&text=The%20struggle%20for%20independence%20led,the%20procedure%20established%20by%20law.>>>.

anything imagined by the framers of the Constitution. Article 21 is unique in the Indian Constitution considering its progressive nature.

2. Early Judicial Interpretation (Pre-Maneka Gandhi Era)

The initial legal comprehension of Article 21 of the Indian Constitution was constrained and precise. Within the first couple of decades after independence, the Indian judiciary regarded the Constitutional provisions conservatively, substantially limiting its scope. According to Article 21 of the Indian Constitution, "No individual should be deprived of his life or personal liberty except according to the process stipulated by law."

This Article was comprehended in narrow terms by the Supreme Court of India in the case of **A.K. Gopalan vs. State of Madras (1950)**. The petitioner, who was a communist leader, contested his preventative arrest pursuant to the preventative arrest Act, alleging that it infringed his fundamental rights. The Court ruled that any infringement of life or personal liberty was legally permissible if it was authorized by the government and followed established legal procedures, even if the law was unfair, unreasonable, or arbitrary.

This perspective emphasized a rigorous separation of fundamental rights under Part III of the Constitution, dealing with each right separately. The Court refrained from reading Article 21 (right to life and personal liberty) in connection with Article 19 (freedom of speech, travel, etc.) or Article 14 (equality before the law) which constitutes the golden triangle of the constitution, thereby restricting its application of constitutional safeguards.³

Furthermore, the expression "procedure established by law" was understood differently compared to the "due process of law" provision in the United States Constitution. The Indian judiciary at that moment considered the framers had deliberately overlooked a wider American idea, which is confining legal examination of the actual content of statutes.

This era consequently saw a subordinate viewpoint towards the legislature and an inadequate role of the judiciary for upholding liberties for citizens. Simply with the important ruling in **Maneka Gandhi v. Union of India (1978)** led to a shift in this perspective drastically,

³ Jeet Sinha, "Maneka Gandhi v. UOI: Landmark Judgment on Article 21 Case Analysis - Legal SYNK" (*Legal SYNK*, December 5, 2024) <<https://legalsynk.com/concept-of-right-to-life-in-maneka-gandhi/>>.

launching in an era of expansive application and constitutional legislation.

JUDICIAL EXPANSION OF ARTICLE 21

1. **Maneka Gandhi vs. Union of India and Ors. (1978): The moment of transition**

The Supreme Court of India delivered its significant ruling in **Maneka Gandhi vs. Union of India and Ors.** on January 25, 1978. The outcome of this case significantly impacted Indian constitutional law by extending its understanding of Article 21, which guarantees the right to life and personal liberty. The judgment also modified the relationship between Articles 14, 19, and 21 of the Constitution, emphasizing that any measure that restricts human liberty needs to conform to the fairness and reasonableness standards as mentioned in the provisions outlined in these Articles.

- i. **Background of the case:** Mrs. Maneka Gandhi received a passport under the Passport Act of 1967 in the case of **Maneka Gandhi vs. Union of India and Others**. On July 2, 1977, the Regional Passport Officer sent a notification ordering her to hand over her passport. When Mrs. Maneka Gandhi asked for a justification for the order in question, government officials stated that the justifications for the seizure would not be released, asserting "the general public's interest." Mrs. Maneka Gandhi filed a writ petition with the Supreme Court under Article 32 of the Indian Constitution, expressing her dissatisfaction with the absence of transparency. She claimed that the seizure of her passport contradicted with her fundamental rights under Articles 14 (equality before the law), 19 (freedom of expression and other freedoms), and 21 (life and personal liberty).⁴
- ii. **Key facts of the case:** The facts of **Maneka Gandhi vs. Union of India and ors.** are outlined here -
 - **Issuance of passport:** A valid passport was granted to Mrs. Maneka Gandhi in accordance with the provisions of the Passport Act of 1967.
 - **Notification of forfeiture of passport:** She was notified by the Regional Passport Officer on 2nd July 1977 asking her to relinquish her passport.

⁴ LawBhoomi, "Maneka Gandhi vs. Union of India and Ors." (*LawBhoomi*, April 11, 2025) <<https://lawbhoomi.com/case-brief-maneka-gandhi-v-union-of-india/>>.

- **Insufficient Justifications:** The government refused to provide an explanation to her when she questioned the reasons behind this action. The government stated that they cannot give justification because this action was taken after keeping in view the public interest.
 - **Constitutional Challenge:** Mrs Maneka Gandhi filed a writ case under Article 32, alleging that the Passport Authority's unilateral action violated her fundamental rights under Articles 14, 19, and 21 (referred to as the golden triangle of the Indian Constitution).
- iii. **Issues raised in the case:** In **Maneka Gandhi vs. Union of India and Ors**, the Supreme Court had to deal with a number of significant legal issues. The issues included the following:
- **Connections of Articles 14, 19, and 21:** Whether the criteria of these Articles have a connection or separate from one another.
 - **Testing for Reasonableness:** Whether the law-enforced processes for impounding a passport according to the Passport Act of 1967 is required to be evaluated for fairness, reasonableness, and compliance to the standards of natural justice.
 - **Right for Traveling Abroad:** Evaluate whether Article 21 covers the right to travel abroad.
 - **Application of "Procedure Established By Law":** What is the right meaning of this term in a constitutional setting?
 - **Validity of Legislative constraints:** Whether a legislative law that restricts personal liberty, especially the right to life, is acceptable if it adopts an authorized process.
 - **Adherence to Natural Justice:** Whether the Regional Passport Officer's impounding order violated the standards of natural justice, namely the right to be heard (*audi alteram partem*).
 - **Effectiveness of Section 10(3) of the Passport Act of 1967:** Whether the clauses granting authorization for confiscating a passport are valid under the Constitution when evaluated against the citizen's fundamental rights.

- iv. **Contentions of the Petitioner:** Mrs. Maneka Gandhi, the petitioner in **Maneka Gandhi vs. Union of India and Ors.**, claimed that the right to travel abroad is a fundamental part of personal liberty protected by Article 21, and that it cannot be unreasonably withdrawn. She alleged that the Passport Act of 1967 was lacking a transparent and equitable method for impounding passports, rendering the government's conduct irrational and in contradiction to natural justice because she did not receive notice in advance or the opportunity to be heard. She highlighted the importance of a just, equitable, and reasonable approach, as well as the harmonious application of Articles 14, 19, and 21. She even alleged that the arbitrary removal of her passport constitutes wrongful confinement, infringing Article 21 of the Indian Constitution.
- v. **Contentions of the Respondent:** In **Maneka Gandhi vs. Union of India and Ors.**, the respondents contended that the right to travel abroad is not guaranteed by Article 19 and should be examined purely under Article 21. They upheld the Passport Act of 1967 as a valid statute designed to protect national interests by offering the State discretionary powers without demanding strict compliance with natural justice in situations of emergency. Nevertheless, the Supreme Court determined that "personal liberty" under Article 21 encompasses the freedom to go abroad, and that any restrictions must be fair, just, and reasonable. It highlighted the importance of Articles 14, 19, and 21 in safeguarding fundamental rights.
- vi. **Judgement of the Case:** The Supreme Court of India gave a noteworthy decision in the case of **Maneka Gandhi vs. Union of India and Ors.** The Supreme Court's decision in **Maneka Gandhi vs. Union of India and Others** was noteworthy. The ruling was given by a seven-judge panel, including Justice P.N. Bhagwati delivering the lead opinion. Other judges, including Chief Justice Beg, Justices Krishna Iyer, Chandrachud, and Fazal Ali, concurred, with Justice Kailasam dissenting.
- **Scope of "Personal Liberty" under Article 21:** Under Article 21, the Court interpreted "personal liberty" in a somewhat broad sense. It concluded that a variety of rights, such as the freedom to travel overseas, are part of personal liberty. Hence, the only method available to restrict the right to travel is to establish a fair, reasonable, and just process.
 - **Connecting Articles 14, 19, and 21:** A.K. Gopalan's case was overruled by the Supreme Court. It determined that Articles 14, 19, and 21 must be read together and are not separate,

incomprehensible sections. All three articles' requirements have to be accomplished by any law that impacts individual liberty. Therefore, the Supreme Court emphasized in *Maneka Gandhi vs. Union of India* and Ors. that a law must be non-arbitrary under Article 14 and not infringe upon rights and freedoms under Article 19 even if it is acceptable under Article 21.

- **The approach must be equitable, lawful, and appropriate:** According to the provisions of Article 21, the expression "procedure established by law" cannot be a reference to any arbitrary or fanciful process. The process must not be dictatorial or unfair, but rather equitable, impartial, and appropriate. The Court acknowledged that a law would be considered in violation of Article 21 if it resulted in the unjust restriction of freedoms.
- **Natural Justice is an Element of Fair Procedure:** The Court strongly asserted that the process under Article 21 implicitly incorporates natural justice elements, particularly the right to be heard (*audi alteram partem*). A post-decisional hearing must be held in circumstances where quick action needs to be taken. When a passport is confiscated, the passport authority needs to provide the individual who holds it a chance to challenge the impoundment and explain the reasons.
- **The legal effect of Section 10(3)(c) under the Passport Act:** The Court determined that Section 10(3)(c) was lawful given that it offered adequate guidelines "in for the benefit of the general public." Still, the arbitrariness of any order issued under this clause must be evaluated. The Court highlighted out that even while the Central Government has broad authority, it must use that authority appropriately and that judicial review is always a potential remedy.
- **Application of Fundamental Rights outside the Territory of India:** According to Justice Chandrachud, freedoms conferred by Article 19, including the right to free speech and expression, are not restricted to Indian territory. The Court did shed light on the fact that Article 19 does not specifically address the right to travel outside the country.

2. Principles of Due Process and Procedural Fairness

The fairness of specific legal proceedings and governmental actions constitutes the primary objective of due process of law. Any legal action that restricts someone their life, liberty, or

property must be undertaken justly and honestly in accordance with the due process of law. In simple terms, due process requires the inherent standards of justice and decency in the use of governmental power in addition of complying with established processes.⁵

According to the Constitution's Article 21 definition of "procedure established by law," life or freedom of choice might be restricted as long as an act was duly passed and its procedures were followed, even if the law was unjust. The Supreme Court's ruling in *Maneka Gandhi v. Union of India and Ors.*, which maintained that the process must be "just, fair, and reasonable," altered this restrictive understanding. This historic judgment represented an advancement toward the "due process of law" framework, which strengthens the safeguarding of individual rights by taking consideration of both the legality and fairness of the legislation.

DIMENSIONS OF THE RIGHT TO LIFE UNDER ARTICLE 21

1. **Right to Livelihood:** In Indian jurisprudence, the fundamental right to livelihood—an important aspect of the right to life under Article 21—has experienced a significant transformation. After being initially excluded from Article 21's scope, following judicial interpretations have broadened its application to acknowledge the crucial link between life and the resources needed to support it.⁶

Landmark Judgements on Right to Livelihood

- **Olga Tellis vs. Bombay Municipal Corporation:** This case is also known as the "Pavements Dwellers Case". A five-judge panel ruled that the right to livelihood is a part of the right to life. The Court declared that "No person can live without the means of living, that is, the means of livelihood." The court's decision highlighted that denying someone their means of livelihood without executing a fair and reasonable process is equivalent to taking away their life. The Court did clarify, although the State is not required to provide for people's livelihoods, it cannot arbitrarily or unfairly deny someone their means of livelihood.

⁵ Ruchika Mohapatra, "Due Process of Law in India" (*CLATatalogue*, November 19, 2024) <<https://lawctopus.com/clatalogue/clat-pg/due-process-of-law-in-india/>>.

⁶ LawBhoomi, "Article 21 of Constitution of India" (*LawBhoomi*, May 17, 2025) <https://lawbhoomi.com/article-21-of-constitution-of-india/#Right_To_Livelihood>.

- **Chameli Singh vs. State of Uttar Pradesh:** In this case, the government acquired land for public use, resulting had a negative impact on the landowner's standard of living. According to the Court, in so far as the judicial procedure was followed and the landowner received just compensation, the acquisition did not infringe upon their right to livelihood under Article 21. The ruling reaffirmed that, although vital, the right to livelihood is not unqualified and must be assessed with the general welfare. In accordance with constitutional norms, compensation for land acquisition guarantees procedural justice.
- 2. **Right to Health and Medical Care:** According to the provisions of Article 21 of the Constitution, the Supreme Court of India has declared that the right to health and medical care is a necessary part of the fundamental right to life. Being healthy is essential for living a life of dignity, meaning, and productivity, particularly for employees whose health has a direct impact on their income. The Court has underlined that medical aid delays, frequently brought on by legal or bureaucratic formalities, might cause permanent death. That is why healthcare providers have an ethical and legal responsibility to immediately and impartially give medical aid to everyone.

Landmark Judgements on Right to Health and Medical Care

- **Pramand Katara vs. Union of India and Others:** In this case, the Supreme Court declared that all employees, whether they work in government hospitals or not, have a professional duty to provide their services with the necessary expertise in order to safeguard lives. The most important obligation that is assigned to members of the medical profession cannot be ignored or postponed by any legislation or state action. Since the commitment is absolute, entire, and paramount any regulations or procedures—whether found in statutes or elsewhere—that could hinder the fulfillment of this obligation cannot be upheld and must be eliminated.⁷
- **Consumer Education and Research Centre and Others vs. Union of India:** In this case, a three-judge Supreme Court bench ruled that, under Article 21 read with Articles 39(e), 41, 43, and 48A, a worker's right to health and medical assistance is a fundamental right that safeguards their well-being while they are employed or after they retire. The goal of

⁷ Admin, “Right to Health in India: Constitutional Perspective | UJA” (UJA, April 15, 2025) <<https://uja.in/blog/legal-chronicle/right-to-health-in-india-constitutional-perspective/>>.

all appropriate laws and fundamental rights is to give workers a meaningful and purposeful life. An essential component of the right to life is the worker's wellbeing. In that instance, it was decided that health insurance during one's employment or after retirement was a fundamental right, and even private companies were obliged to offer health insurance to their employees.

3. **Right to a Clean and Healthy Environment:** The right of every individual to a healthy environment ensures the fundamental elements of the environment needed to live a life of dignity through the combination of environmental characteristics and civil, cultural, social, and economic rights. The fundamental right of a clean and healthy environment, along with the right to livelihood, quality of life, and species survival, has been widely construed in India under Article 21. This was strengthened by the introduction of Articles 48-A and 51A(g) in the 42nd Constitutional Amendment of 1976, which made India the first nation to give environmental protection constitutional worth. While Article 51A(g) delegates this duty to all citizens, Article 48-A requires the State to protect the environment.⁸

Landmark Judgements on Right to a Clean and Healthy Environment

- **Vellore Citizens Welfare Forum vs. Union of India:** The Supreme Court in this case held that the essential components of Sustainable Development are “the precautionary principle” and “the polluter pays principle”. The court further directed the establishment of a "Green Bench" in the Madras High Court and affirmed the rules set forth by the Tamil Nadu Pollution Control Board. Significant precedents for enforcement of environmental laws and safeguards in India were established by the case.⁹
- **Rural Litigation and Entitlement Kendra & Ors v State of UP & Ors:** In this case, the Doon Valley's extensive environmental harm from limestone mining was addressed by the Supreme Court of India. The Court imposed rigorous regulatory compliance on quarries found to be causing substantial harm and ordered their closure. It highlighted the importance of sustainable practices and the significance of creating a balance between environmental preservation and economic development. Setting a precedent for

⁸ “Right to Clean Environment” (*Drishti IAS*) <<https://www.drishtiias.com/daily-news-analysis/right-to-clean-environment>>.

⁹ VisionIAS, “Constitutionalization of Environmental Issues | Current Affairs | Vision IAS” (*Current Affairs | Vision IAS*, June 7, 2024) <<https://visionias.in/current-affairs/monthly-magazine/2024-05-21/environment/constitutionalization-of-environmental-issues>>.

environmental protection in India, the ruling also ordered the government to give displaced laborers priority for new leases and to create employment opportunities in rehabilitation projects.

4. **Right to Education (Article 21A):** In order to empower people, encourage self-improvement, and enhance national growth, education is essential. It promotes equality, social justice, awareness, and freedom for all citizens. Acknowledging its importance, the 86th Amendment Act of 2002 included the Right to Education under Article 21A of the Indian Constitution. With this amendment, children between the ages of 6 and 14 have been granted an inherent right to free and compulsory education. The government celebrated this action as "The dawn of the second revolution in the chapter of citizens' rights," highlighting its significance in creating an informed, just, and forward-thinking country as well as its revolutionary effect on society.¹⁰

Landmark Judgements on Right to Education

- **Mohini Jain vs. State of Karnataka:** This case emphasized the significance of education as an integral component of a person's intrinsic worth and basic right to existence. The court affirmed that although education was not specifically protected under Part III of the Constitution, it is an important element of fundamental rights that connects individual liberties and Directive Principles.¹¹
 - **Pramati Educational and Cultural Trust v. Union of India (2014):** In this case, the application of Article 30 was the subject of debate. The question of whether Article 30 requires institutions to set aside 25% of seats for free and mandatory education for underprivileged groups was under discussion by the court. And then the court reached the conclusion that while minority groups are free to utilize the instructions as a guideline, they have no obligation to follow them.
5. **Right to Shelter:** Within the broader structure of the Right to Life protected by Article 21 of the Constitution, the Right to Shelter has been recognized as a fundamental right in India. Every person is guaranteed access to adequate housing owing to this right, which is

¹⁰ "Right to Education under Article 21A" (*Drishti Judiciary*) <<https://www.drishtijudiciary.com/to-the-point/ttp-constitution-of-india/right-to-education-under-article-21a>>.

¹¹ Aishwarya Agrawal, "Mohini Jain vs State of Karnataka" (*LawBhoomi*, May 17, 2025) <https://lawbhoomi.com/mohini-jain-vs-state-of-karnataka/#Mohini_Jain_vs_State_of_Karnataka_Summary>.

vital for leading a dignified life. It covers more than just a place to live; it also includes essentials like privacy, space, security, sufficient ventilation and lighting, essential infrastructure, and accessibility to social facilities and places of employment. The State's commitment to establish conditions that enable people to live in safety, comfort, and dignity is reflected in the acknowledgment of this right.¹²

Landmark Judgements on Right to Shelter

- **Sudama Singh and others v. State of Delhi and others (2010):** In this case, the petitioners wanted to leave slum areas. Any eviction must come with sufficient compensation or alternative housing, pursuant to a decision given by the Delhi High Court.
 - **State of Maharashtra v. Basantibhai Khetan (1986):** The rules pertaining to land ceiling were maintained by the Supreme Court, which ruled that they should not infringe upon the fundamental rights of people. Resettlement and rehabilitation of people, still remains the responsibility of the state.
6. **Right to Privacy:** Individual independence depends on the right to privacy, which allows people to make their own decisions free from unjustified intervention. It comprises the freedom to live without interference, confidentiality, and control over personal information. This right encourages people to engage in society without worrying about discrimination or monitoring, which is crucial for maintaining human dignity, freedom of expression, and interpersonal connections. In the historic 2017 Puttaswamy v. Union of India decision, the Indian Supreme Court upheld the right to privacy as a basic and constitutional right under Article 21 and confirmed its position in Part III of the Indian Constitution.¹³

Landmark Judgements on Right to Privacy

- **Justice K.S. Puttaswamy (Retd.) and Another vs. Union of India and Others (2017):** A nine-judge Constitutional Bench of the Supreme Court of India ruled in this historic case that, in accordance with Article 21 of the Constitution, the right to privacy is a fundamental

¹² "Right to Shelter as Fundamental Right" (*Drishti IAS*) <<https://www.drishtiias.com/daily-updates/daily-news-analysis/right-to-shelter-as-fundamental-right>>.

¹³ vajiramandravi, "Right to Privacy, Evolution, Significance, Challenges" *User's Blog* (February 6, 2025) <<https://vajiramandravi.com/upsc-exam/right-to-privacy/>>.

right that is inextricably tied to life and individual liberty. The Court ruled that the freedoms protected in Part III of the Constitution, including the freedoms of expression, movement, and personal autonomy, depend on privacy as a fundamental component. The preceding rulings in the *M.P. Sharma* (1954) and *Kharak Singh* (1962) cases, which had previously rejected the validity of a constitutional right to privacy, were overturned by this landmark decision.

- **Gobind vs. State of MP & ANR (1975):** American jurisprudence's overwhelming state interest test was adopted by the Supreme Court. According to the court, a greater state interest—the nature of which must be compelling—must take precedence over an individual's right to privacy.

ROLE OF JUDICIAL ACTIVISM IN SHAPING ARTICLE 21

In India, judicial activism is a reflection of the judiciary's proactive role in upholding justice and protecting citizens' rights, especially that of the Supreme Court and High Courts. While lower courts lack the authority to assess and nullify laws that violate constitutional provisions, these higher courts possess. Arthur Schlesinger Jr. coined the phrase in 1947, and it originated in the United States. Visionary judges such as Justice V.R. Krishna Iyer, Justice P.N. Bhagwati, Justice O. Chinnappa Reddy, and Justice D.A. Desai helped judicial activism acquire traction in India. In essence, judicial activism is when the court asserts its authority to force the government and legislature to carry out their constitutional duties. Increasing corruption, administration indifference, parliamentary inertia, and a deterioration in democratic values necessitated this kind of advocacy. The judiciary intervened to uphold democratic values and address institutional shortcomings after Public Interest Litigations (PILs) exposed additional pressing societal issues.

The legislative and executive bodies' inaction or inefficiency is primarily responsible for the emergence of judicial activism. The judiciary became a corrective force as concerns about its ability to deal with public crises and defend fundamental rights grew. When governance processes failed, the courts started to step in, particularly when there were human rights abuses and constitutional provisions being abused. Judicial activism is not without its detractors, though. With worries that undue judicial action could jeopardize the principle of separation of powers, it brought about discussions over the distribution of authority between the Parliament and the court. An excessively dominant judiciary, according to critics, could

undermine the system of checks and balances that is fundamental to democratic governance. Notwithstanding these reservations, judicial activism remains an essential tool for maintaining accountability and defending constitutional principles, particularly in situations where other institutions are unable to carry out their assigned responsibilities.¹⁴

Landmark Judgements on Judicial Activism

- **Kesavananda Bharati Sripadagalvaru and Ors. v. State of Kerala (1973):** It was ruled by the Supreme Court of India that the executive branch lacked the authority to interfere and alter the fundamental framework of the constitution.
- **Hussainara Khatoon (I) v. State of Bihar (1979):** The newspaper's facts depicted the cruel and brutal surrounding environment of the detainees undergoing trial. The Supreme Court acknowledged it and ruled that the right to a quick trial is a fundamental right under Article 21 of the Constitution of India, 1950 (COI).

1. Public Interest Litigation (PIL)

Derived from American jurisprudence, Public Interest Litigation (PIL) permits legal action to safeguard the public interest collectively, particularly with regard to concerns such as women's rights, bonded labor, environmental pollution, and road safety. PIL is an instrument of judicial activism and has been developed by court interpretations despite not being specified by statute. It allows people or the court system itself (*suo motu*) to voice issues that have an impact on the general public. The petitioner must, however, demonstrate sincere public interest and refrain from abusing the procedure. PILs seek to ensure justice that goes beyond personal concerns by speaking for underrepresented groups like the impoverished, children, and exploited labor.¹⁵

Landmark Judgements on Public Interest Litigation

- **M.C Mehta vs. Union of India:** A public interest lawsuit was filed to stop the pollution of the Ganga water as well as stop it from happening anymore. The Supreme Court ruled that the petitioner, who is interested in preserving the lives of those who utilize Ganga

¹⁴ "Judicial Activism" (*Drishti Judiciary*) <<https://www.drishtijudiciary.com/ttp-constitution-of-india/judicial-activism>>.

¹⁵ "Public Interest Litigation" (*Drishti IAS*) <<https://www.drishtiias.com/to-the-points/Paper2/public-interest-litigation>>.

water, has the right to petition the court for the execution of statutory restrictions even if he is not the owner of the river.

- **Vishaka v. State of Rajasthan:** According to the case's ruling, sexual harassment is an infringement of the provisions of Article 14, Article 15, and Article 21 of the Constitution. The 2013 Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act was also addressed in the recommendations.
2. **Socio-economic Rights through Judicial Interpretation of Article 21 of the Indian Constitution:** Courts have interpreted Article 21 to encompass socioeconomic rights necessary for a dignified existence. Despite not being specifically stated in the Constitution, progressive judicial interpretation has inserted rights including livelihood, health, housing, and education into Article 21.

Landmark judgements on Socio-economic rights

- **Olga Tellis v. Bombay Municipal Corporation (1985):** The Supreme Court in this case ruled that the right to life is inextricably linked to the right to livelihood.
- **Paschim Banga Khet Mazdoor Samity v. State of West Bengal (1996):** The Court highlighted the State's duty to provide sufficient medical facilities in this case.

IMPACT OF LANDMARK JUDGEMENTS ON ARTICLE 21 OF THE INDIAN CONSTITUTION

The court's decisions in **A.K. Gopalan vs. State of Madras**, **Kharak Singh vs. State of Uttar Pradesh**, **K.S. Puttaswamy vs. Union of India**, and **Mohini Jain vs. State of Karnataka** have had a substantial impact on how Article 21 of the Indian Constitution is interpreted and used, greatly advancing the scope of the right to life and individual freedom.¹⁶

The Supreme Court narrowly interpreted Article 21 in the case of **A.K. Gopalan vs. State of Madras**, which signaled the beginning of constitutional interpretation. The Court ruled that a statute was legitimate even if it was capricious or unfair as long as it adhered to the

¹⁶ Khushi Malviya, "Landmark Cases on Article 21" (CLATatalogue, May 14, 2025) <<https://lawctopus.com/clatalogue/clat-ug/landmark-cases-on-article-21/>>.

established process. Personal liberty guarantees were curtailed by this formalistic approach. But it also emphasized the need for a more comprehensive understanding of fundamental rights and laid the stage for future reinterpretations.

The Court adopted a broader perspective in the case of **Kharak Singh v. State of Uttar Pradesh**, especially in Justice Subba Rao's dissenting opinion, which acknowledged the right to privacy as implied in Article 21. This interpretation paved the way for subsequent decisions by highlighting that personal liberty encompasses freedom from unjustified monitoring and interference, even if it was not legally obligatory at the time.

In the case of **K.S. Puttaswamy v. Union of India**, the historic court decision overturned earlier restricted decisions and unambiguously declared that privacy is a fundamental right guaranteed by Article 21. By embracing autonomy, dignity, bodily integrity, and informational privacy, this ruling expanded the scope of civil freedoms and established robust procedural restraints on state activity.

The Supreme Court held in *Mohini Jain v. State of Karnataka* that the right to education falls within Article 21 since it is necessary for a dignified life. It underlined the need for education to be equitable and accessible, reaffirming the state's obligation to provide fair possibilities for education.

Together, these decisions transformed Article 21 from a procedural protection to a dynamic and all-encompassing right that includes education, privacy, dignity, and other civil liberties—all of which are in line with the changing demands of Indian society.

CHALLENGES AND CRITICISMS OF ARTICLE 21 OF THE INDIAN CONSTITUTION

Nevertheless its revolutionary functioning, Article 21 is criticized and confronted with a number of obstacles. Critics contend that a high level of judicial activism has enabled the court's jurisdiction to grow, frequently encroaching on the legislative and executive branches. The definition of "procedure established by law" is vague, which raises questions about arbitrary or insufficient protections. The uneven application of socioeconomic rights under Article 21 is primarily caused by ineffective bureaucracy and a lack of public funding. Furthermore, striking a balance between monitoring, individual liberty, and national security

continues to present difficult problems. These problems show how stronger institutional enforcement mechanisms along with clearly specified boundaries of jurisprudence must be established.

COMPARATIVE PERSPECTIVE: RIGHT TO LIFE IN OTHER CONSTITUTIONAL DEMOCRACIES

Although its definition and application differ from one jurisdiction to another, the majority of constitutional democracies recognize the right to life as a fundamental human right. The Fifth and Fourteenth Amendments' Due Process Clauses safeguard the right to life in the United States. In **Roe v. Wade (1973)**, for example, U.S. courts broadened it to encompass rights like autonomy and privacy, but subsequent events have changed this precedent.¹⁷

Article 2 of the European Convention on Human Rights, which safeguards the right to life, is incorporated into the Human Rights Act 1998 in the **United Kingdom**. This has been utilized by UK courts to place affirmative duties on the state, such as the need to prevent unjustified deaths and look into deaths that occur in detention or as a result of official negligence.

South Africa is a particularly forward-thinking example. The right to life is guaranteed under Section 11 of its Constitution, and the Constitutional Court has construed this right to encompass socio-economic rights including social welfare, housing, and health care.

The most similar interpretation of Article 21 is found in South Africa and India, which both uphold the constitution's commitment to justice and human dignity by taking a broad, comprehensive stance that connects socioeconomic rights with civil-political rights.

CONCLUSION

Originally being interpreted narrowly, Article 21 of the Indian Constitution has developed into a dynamic and wide source of fundamental rights. The right to life and personal liberty has evolved through increasing judicial interpretation to include a broad range of civic, political,

¹⁷ "Comparison of Right to Life and Personal Liberty | Legal Service India - Law Articles - Legal Resources" <<https://legalserviceindia.com/legal/article-14602-comparison-of-right-to-life-and-personal-liberty.html>>.

and socioeconomic rights necessary for a dignified existence, in addition to protection from arbitrary official action. The foundation of India's human rights law is Article 21, which has been redefined by landmark judgments including *Maneka Gandhi*, *Olga Tellis*, *Francis Coralie Mullin*, and *Puttaswamy*.

This change is not without obstacles, unfortunately. The function of the court has been crucial in addressing current social needs and bridging legislative gaps, but it also raises questions regarding enforceability and the separation of powers. Along with problems like digital privacy, surveillance, and resource limitations, the uneven implementation of socioeconomic rights emphasizes the ongoing difficulty in converting decisions from the courts into reality on the ground.

In the long run, Article 21 acts as proof of the Indian Constitution's adaptability and growth potential. It reaffirms the Constitution's commitment to establishing a compassionate and inclusive democratic society and serves as an effective instrument for upholding justice, liberty, and dignity. Effective execution and a balanced interpretation are essential to its ongoing relevance.