



# A Critical Analysis of the Right to Life as a Fundamental Right under ‘Article 21’ of the Constitution of India

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## ABSTRACT

This paper gives a critical examination of ‘Article 21’ of the Constitution of India, which ensures the proper to life and personal liberty. Initially understood in a narrow procedural enjoy, ‘Article 21’ has been grade by grade transformed through judicial activism proper right into a colourful supply of severa crucial rights. Through landmark judgments on the aspect of Maneka Gandhi, Olga Tellis, Francis Coralie Mullin, and Justice K.S. Puttaswamy, the Indian judiciary has interpreted ‘Article 21’ to encompass rights related to livelihood, shelter, education, reproductive autonomy, privacy, digital freedom, or possibly the right to die with dignity. This research explores the constitutional philosophy underlying this increase, its alignment with global human rights frameworks, and comparative constitutional practices within the United States and South Africa. It moreover extensively evaluates the results of such judicial innovation, which incorporates troubles over judicial overreach, democratic obligation, and implementation traumatic situations. The take a look at concludes with the beneficial useful resource of providing balanced guidelines for harmonizing constitutional dynamism with institutional legitimacy.

**Keywords:** ‘Article 21’, Right to Life, Indian Constitution, Judicial Activism, Fundamental Rights, Due Process, Right to Privacy, Euthanasia, Reproductive Rights, Environmental Rights, Comparative Constitutional Law, South Africa, United States, Public Interest Litigation, Human Dignity.

## Introduction

The Constitution of India, enacted in 1950, isn't excellent the very extraordinary criminal report of the united states of the us but moreover a charter of crucial liberties confident to its people. Among its maximum celebrated additives is Part III, which enshrines the Fundamental Rights—a tough and speedy of civil, political, and cultural freedoms considered critical for the holistic improvement of people and the protection of democratic ideals. These rights act as boundaries on United States of America electricity and protect character autonomy and dignity.

One of the most pivotal provisions in this part is ‘Article 21’, which reads: “*No person shall be deprived of his life or personal liberty except according to procedure established by law.*”<sup>1</sup> At face fee, the availability appears terse and procedural. However, thru a long time of judicial interpretation, it has evolved right into a wealthy and expansive guarantee, forming the constitutional bedrock for a huge range of human rights which includes the right to health, privateness, secure haven, training, easy surroundings, and even virtual statistics safety.

Historically, the preliminary interpretation of ‘Article 21’ changed into particularly restrictive, substantially in “*A.K. Gopalan v. State of Madras (1950)*”, in which the Supreme Court took a literalist technique, conserving that as long as there has been some “method” below regulation, no matter the fact that arbitrary or unjust, ‘Article 21’ is probably glad.<sup>2</sup> This narrow reading limited the scope of individual protection. However, this changed dramatically in “*Maneka Gandhi v. Union of India (1978)*”, where the Court redefined “procedure established by law” to mean a “just, fair and reasonable” process, effectively aligning Indian jurisprudence with the due process clause of the American Constitution.<sup>3</sup>

The transformation of ‘Article 21’ mirrors the growing realization of the centrality of human dignity in a democratic society. The right to life, as interpreted by Indian courts, now transcends mere survival—it encompasses the right to live with dignity, safety, freedom of choice, and opportunity for personal growth. In a country as diverse and densely populated as India, this expanded scope is crucial in bridging systemic inequalities and ensuring social justice.

## Research Question and Methodology

This research seeks to critically analyze the evolution of the right to life under ‘Article 21’ of the Constitution of India. The central research question is:

<sup>1</sup> India Const. art. 21.

<sup>2</sup> “*A.K. Gopalan v. State of Madras, (1950) S.C.R. 88 (India).*”

<sup>3</sup> *Maneka Gandhi v. Union of India, (1978) 1 S.C.C. 248 (India).*

### *How has judicial interpretation transformed ‘Article 21’ from a procedural safeguard to a substantive guarantee of human dignity and multidimensional rights?*

To address this, the study employs a **doctrinal methodology**—analyzing landmark constitutional judgments, statutory provisions, academic commentary, and comparative international frameworks. It also uses **case law analysis** to trace the shifting judicial narratives and highlight thematic trends across time.

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#### **Evolution of ‘Article 21’**

The journey of ‘Article 21’ of the Indian Constitution—from a narrowly interpreted procedural clause to a cornerstone of human rights—is one of the most fascinating developments in Indian constitutional law.

##### **Original Narrow Interpretation: “*A.K. Gopalan v. State of Madras (1950)*”**

In the early years of the Republic, the Indian Supreme Court took a strictly literal and compartmentalized approach to fundamental rights. In *A.K. Gopalan v. State of Madras*, the petitioner challenged his detention under the Preventive Detention Act of 1950, arguing that it violated his right to life and personal liberty under ‘Article 21’. The Court, however, held that as long as there was a law prescribing a procedure, and that procedure was followed, it satisfied the requirement of ‘Article 21’—even if the law itself was unjust or arbitrary.<sup>14</sup>

This meant the Court did not read ‘Article 21’ in conjunction with other rights like equality under Article 14 or the freedoms under Article 19, and essentially limited personal liberty to freedom from physical restraint.

##### **Landmark Shift: “*Maneka Gandhi v. Union of India (1978)*”**

The turning point came nearly three decades later in the landmark case of *Maneka Gandhi v. Union of India*. Here, the government had impounded the petitioner’s passport without providing clear reasons. The Court not only ruled in favor of the petitioner but also revolutionized the interpretation of ‘Article 21’, stating that the procedure prescribed by law must be “just, fair, and reasonable”—not arbitrary or oppressive.<sup>5</sup>

Crucially, the Court ruled that Articles 14, 19, and 21 must be read together, forming a golden triangle of constitutional rights that are interlinked and interdependent.

##### **The Era of Liberal Interpretation: From Procedure to Substantive Rights**

Post-*Maneka Gandhi*, the judiciary embraced a liberal and expansive interpretation of ‘Article 21’. The attention shifted from a mechanical “method established by means of law” to a important due system doctrine—in the direction of the American concept of constitutional equity.

In this new technology, the Court identified a multitude of rights beneath ‘Article 21’, together with:

- The proper to livelihood (*Olga Tellis v. Bombay Municipal Corporation*)
- The proper to live with dignity (*Francis Coralie Mullin v. Administrator, Delhi*)
- The proper to privacy (*Justice K.S. Puttaswamy v. Union of India*)
- Even the right to die with dignity (*Common Cause v. Union of India*)

Each of those cases reflects how ‘Article 21’ turned into no longer limited to freedom from illegal detention—it now encompassed qualitative dimensions of existence itself.

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#### **Expanding Scope – Judicial Activism & ‘Article 21’**

The proper transformation of ‘Article 21’ owes plenty to the judicial activism of the Indian Supreme Court, in particular during the publish-Emergency technology. Through Public Interest Litigations (PILs), judicial creativity reshaped the bare phrase “life and personal liberty” into a dynamic reservoir of rights vital for a meaningful human lifestyles.

##### **Judicial Creativity and the Expanded Meaning of “Life” and “Liberty”**

After *Maneka Gandhi v. Union of India* laid the foundation for a more liberal interpretation, the Court began interpreting ‘Article 21’ not just as a protection against arbitrary state action, but as a source of unenumerated rights. The terms “life” and “liberty” were reimagined to include quality of life—rights that give dignity and depth to human existence.

Over time, a series of judicial pronouncements helped evolve ‘Article 21’ into a living, breathing right, encompassing a broad spectrum including shelter, health, livelihood, education, and privacy.

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<sup>4</sup> “*A.K. Gopalan v. State of Madras*, (1950) S.C.R. 88 (India).”

<sup>5</sup> “*Maneka Gandhi v. Union of India*, (1978) 1 S.C.C. 248 (India).”

**“Olga Tellis v. Bombay Municipal Corporation (1985)” – Right to Livelihood**

In this landmark case, pavement dwellers in Mumbai challenged their eviction on the floor that it'd deprive them of their proper to livelihood. The Court stated that on the equal time as the Constitution does now not explicitly issue out the right to livelihood, it is an vital factor of the proper to existence below ‘Article 21’. Depriving a person in their livelihood may want to strip them of dignity and survival itself.

**“Francis Coralie Mullin v. Administrator, Union Territory of Delhi (1981)” – Right to Human Dignity**

This case prolonged the because of this that that of life to embody more than mere animal life. The Court declared that the proper to lifestyles want to encompass the proper to stay with human dignity and all that is going with it—which incorporates adequate vitamins, apparel, secure haven, and the functionality to freely unique oneself. The ruling marked a shift inside the direction of great rights connected to easy human dignity.

**“Justice K.S. Puttaswamy v. Union of India (2017)” – Right to Privacy**

In one of the most an prolonged manner-conducting rulings of the twenty first century, a 9-determine bench of the Supreme Court held that privateness is intrinsic to lifestyles and liberty beneath ‘Article 21’. The Court grounded this right within the ideals of private autonomy, dignity, and character identity. It moreover emphasized the Court’s duty to defend humans from each u.S. And non-u . S . A . Surveillance, putting the concept for destiny statistics protection regulation.<sup>6</sup>

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**The Role of Public Interest Litigation (PIL)**

One of the defining tools of judicial activism has been PILs, where the courts allow even third parties to approach them on behalf of marginalized individuals. This expanded access has allowed ‘Article 21’ to be invoked in contexts as diverse as bonded labor, custodial deaths, sexual harassment at the workplace, and environmental degradation. The Court essentially became a guardian of fundamental rights for the voiceless, using ‘Article 21’ as a powerful shield.

**‘Article 21’ and Contemporary Rights**

Over time, the Indian Supreme Court has converted ‘Article 21’ of the Constitution from a procedural safety within the course of u.S.A. Actions to a repository of numerous and dynamic human rights. This evolution is a testimony to the Court’s power of will to ensuring that the constitutional promise of “lifestyles and personal liberty” adapts to societal development, technological alternate, and developing ethical dilemmas. In this section, we discover how ‘Article 21’ has come to encompass the proper to a smooth surroundings, the right to die with dignity, reproductive autonomy, and virtual privacy, reflecting the ever-increasing frontiers of justice and human dignity.

**Right to a Clean Environment: Subhash Kumar v. State of Bihar**

One of the earliest recognitions of environmental protection as a problem of the right to life came in Subhash Kumar v. State of Bihar. In this example, the petitioner introduced hobby to organisation pollutants within the Bokaro River, which he claimed violated the constitutional rights of network residents. The Supreme Court held that “the right to life includes the proper to amusement of pollution-free water and air for entire leisure of existence”, thereby analyzing ecological stability and public fitness into ‘Article 21’. This case has considering that end up a cornerstone of environmental jurisprudence in India, laying the inspiration for subsequent choices wherein forests, rivers, and smooth air had been declared constitutionally covered entities. It moreover allowed citizens to use Public Interest Litigations (PILs) to mention environmental rights, growing a strong mechanism of environmental obligation.

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**Right to Die with Dignity: “Common Cause v. Union of India (2018)”**

The Common Cause ruling, in which the Supreme Court addressed the ethically and emotionally difficult subject of euthanasia and passive assisted dying, represented one of the most significant extensions of ‘Article 21’. In this landmark decision, the Court ruled that the right to die with dignity is a part of the right to life under ‘Article 21’, particularly for people who are terminally ill and are suffering for an extended period of time. The ruling acknowledged living wills, which enable people to indicate beforehand whether they want life-sustaining care in the event that they go into a vegetative condition.<sup>7</sup>

The Court’s decision marked a radical shift from its earlier stance in *Gian Kaur v. State of Punjab* (1996), where the right to die was rejected as unconstitutional. In *Common Cause*, the Court redefined dignity not just as a right to live well, but also to end life with autonomy and grace, thus ensuring ‘Article 21’ covers the entire arc of human existence—from birth to death.

**Reproductive and Abortion Rights**

Despite not being specifically mentioned in the Constitution, reproductive autonomy has gradually come to be recognized by the law under ‘Article 21’ as a result of changes in policy and judicial interpretation. The courts have underlined that a woman’s personal liberty and physical autonomy are fundamentally based on her ability to make decisions about childbearing, contraception, and abortion.

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<sup>6</sup> Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 S.C.C. 1 (India).

<sup>7</sup> Common Cause v. Union of India, (2018) 5 S.C.C. 1 (India).

The landmark case of “*Suchita Srivastava v. Chandigarh Administration* (2009)” affirmed that the right to make reproductive choices is a dimension of ‘personal liberty’ as guaranteed under ‘Article 21’.<sup>8</sup> The Court ruled in favor of a mentally challenged woman’s autonomy to carry her pregnancy, underscoring that reproductive rights are central to human dignity.

This protection was further strengthened by the Medical Termination of Pregnancy (Amendment) Act, 2021, which extended the abortion window and recognized the evolving needs of women across different social conditions—including survivors of rape, minors, and cases of fetal abnormalities.

By rooting these rights in ‘Article 21’, the judiciary affirmed that reproductive freedom is not merely a health issue—but a justice issue, a privacy issue, and above all, a human rights issue.

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## Digital Privacy and Data Protection

As digital era have proliferated, issues approximately information robbery, spying, and privateness violations have taken middle diploma in conversations approximately person liberty. The courtroom's reaction became a historical 2017 choice in Justice K.S. Puttaswamy v. Union of India, in which a 9-decide Constitution panel unanimously decided that ‘Article 21’ guarantees the proper to privacy as a number one right.

The Court made it smooth that informational privacy and control over personal facts are vital to individual autonomy. The judgment laid the inspiration for an entire facts protection framework, urging Parliament to legislate a robust regulation similar to the European Union’s General Data Protection Regulation (GDPR). As a stop quit result, the Digital Personal Data Protection Act, 2023, became brought, in spite of the fact that opinions keep regarding its adequacy in safeguarding rights in competition to country and corporation overreach.

Privacy is not confined to bodily vicinity—it now covers virtual footprints, biometric facts, communications, area tracking, and algorithmic profiling. With this judicial boom, ‘Article 21’ has firmly entered the age of synthetic intelligence and virtual governance, making sure that liberty is covered no longer most effective inside the actual global however furthermore within the virtual realm.

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## Comparative Perspective: India, USA & South Africa

### India – A Living Constitution in Action

India’s ‘Article 21’ stands out globally due to its remarkably broad and evolving scope, thanks largely to judicial activism. Unlike many other jurisdictions, India’s Supreme Court has interpreted “life and personal liberty” to include an array of socio-economic and civil rights, such as the right to shelter, health, privacy, environment, education, and even euthanasia. This expansive interpretation was enabled not by legislative amendments, but almost entirely through judicial creativity and public interest litigation.

India’s model of judicial expansion under ‘Article 21’ often functions without any express “due process” clause, unlike the U.S. Constitution’s Fifth and Fourteenth Amendments, yet its substance has far exceeded procedural limitations through a “just, fair and reasonable” standard since “*Maneka Gandhi v. Union of India* (1978)”.

### United States – A Cautious and Procedural Due Process Model

In evaluation, the U.S. Constitution's 14th Amendment assures that no man or woman could be deprived of “lifestyles, liberty, or assets, without due method of law.” American courts were historically more constrained, in particular in recognizing brilliant socio-financial rights. The judiciary in the U.S. Has maintained a clearer separation of powers, frequently deferring to legislatures in insurance-making, particularly in health care, poverty, housing, and employment.

For instance, in *DeShaney v. Winnebago County* (1989), the U.S. Supreme Court refused to preserve the kingdom accountable for failing to protect a infant from parental abuse, putting beforehand that the Constitution does not guarantee governmental beneficial beneficial useful aid. This illustrates a huge assessment with Indian jurisprudence, in which such country duties can also additionally need to in all likelihood be enforced below ‘Article 21’.

### South Africa – A Codified Bill of Socio-Economic Rights

South Africa’s 1996 Constitution uniquely integrates justiciable socio-financial rights right away into its Bill of Rights, at the aspect of housing, health care, food, and water. The South African Constitutional Court performs a crucial characteristic in monitoring the kingdom’s improvement and movement plans. The landmark *Government of the Republic of South Africa v. Grootboom* (2000) ruling held the government responsible for failing to offer fundamental housing, aligning the right to dignity with enforceable socio-economic rights.

South Africa and India percentage a transformative constitutionalism ethos, aiming no longer without a doubt to limit nation power, however to actively reshape society through manner of the use of using the usage of ensuring minimum requirements of justice and equality. Yet, in evaluation to India, South Africa’s current-day rights are explicitly enshrined, reducing dependency on judicial activism.

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<sup>8</sup> *Suchita Srivastava v. Chandigarh Admin.*, (2009) 9 S.C.C. 1 (India).

## Criticisms & Challenges of 'Article 21's Expansion in India

- Critics argue that India's judicial growth of 'Article 21' borders on judicial overreach, blurring the limits between the judiciary and the legislature. By growing new rights and duties without parliamentary mandate, courts are accused of appropriating legislative functions, potentially weakening democratic accountability. For instance, some have puzzled the Common Cause ruling on passive euthanasia for coming into an ethical domain traditionally reserved for elected representatives.
- The unwritten and open-ended nature of 'Article 21's interpretation has additionally caused doctrinal ambiguity. There are not any clear tips to evaluate what constitutes a "just and honest" system or how new rights qualify under 'Article 21'. This results in inconsistencies in utility, mainly at the High Court level wherein some rights are identified at the same time as others are disregarded arbitrarily.
- Another primary scenario is the sensible enforcement of the rights study into 'Article 21'. While courts have dominated in preference of rights to smooth air, secure haven, and training, the state machinery regularly lacks the sources or potential to implement those directives efficiently. Without administrative aid or budgetary provision, rights may additionally stay symbolic.
- While some scholars view judicial activism as the moral compass of constitutional interpretation, others see it as undermining the legitimacy of the judiciary itself. Excessive intervention may reduce public trust in the neutrality of the court and provoke political backlash. For instance, landmark privacy or environmental decisions have sometimes led to executive resistance or delays in implementation.
- Unlike South Africa's codification of socio-economic rights or the U.S.'s defined procedural guarantees, India's model relies solely on interpretative innovation. The absence of formal constitutional amendments to reflect evolving rights may be seen as a democratic deficit, as such significant shifts are brought about not by elected lawmakers, but by unelected judges.

## Conclusion and Recommendations

One of the most exciting trajectories in international constitutional law is the judicial development of 'Article 21' of the Indian Constitution. Protection from arbitrary deprivation of life and personal liberty, which started out as a small procedural assurance, has grown into a living right that covers a wide range of human needs and dignity. The Indian judiciary has given 'Article 21' new life via daring interpretations and public interest cases, guaranteeing that it will continue to be sensitive to shifting social norms and new issues pertaining to privacy, the environment, personal autonomy, and health.

This change has been controversial as well as inspirational. On the one hand, it emphasizes the judiciary's responsibility to protect fundamental liberties, particularly for marginalized communities that might not have direct political influence. However, issues with enforcement capability, judicial overreach, and doctrinal ambiguity cast serious doubt on the viability and validity of this broad strategy.

To preserve the integrity and effectiveness of 'Article 21', a multi-pronged strategy is necessary. First, the legislature should codify key rights like digital privacy, clean environment, and reproductive autonomy to reduce overdependence on judicial interpretation and ensure democratic legitimacy. Second, capacity-building measures must be implemented within administrative and regulatory bodies to operationalize these rights effectively. Third, there is a need for greater doctrinal clarity through reasoned judgments and consistent standards, especially from the Supreme Court, to guide subordinate courts and ensure uniform application.

Finally, while judicial creativity has been essential in expanding 'Article 21', future interventions must strike a delicate balance between activism and restraint—remaining constitutionally faithful while being socially responsive. The right to life, after all, is not merely about survival, but about living meaningfully, freely, and with dignity. This vision must be protected not just by courts, but by coordinated constitutionalism—where all three branches of government share the commitment to justice, liberty, and human flourishing.

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