

THE EXPANDING HORIZONS OF THE RIGHT TO LIFE, LIBERTY AND DIGNITY: ARTICLE 21

by

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ABSTRACT

Article 21 of the Constitution of India occupies a central position in the protection of individual liberty and human dignity. The provision, which prohibits deprivation of life or personal liberty except according to procedure established by law, has undergone a profound transformation through constitutional adjudication. This article examines the expanding scope of Article 21 by tracing its judicial evolution from the restrictive approach adopted in *A.K. Gopalan v. State of Madras* to the broader and substantive interpretation established in *Maneka Gandhi v. Union of India*. It analyses how the Supreme Court has progressively interpreted the right to life as extending beyond mere physical existence to encompass dignity, autonomy and the conditions necessary for a meaningful life. The article further explores the emergence of various unenumerated rights under Article 21, including the right to livelihood, health, a clean environment, speedy trial, privacy, reproductive autonomy and the right to live with dignity. Alongside these developments, the article considers the constitutional challenges associated with the expanding interpretation of Article 21, particularly judicial overreach, separation of powers, competing State interests and difficulties in implementation.

Keywords: Article 21, Right to Life, Personal Liberty, Human Dignity, Judicial Interpretation, Fundamental Rights, Privacy, Supreme court.

Introduction

The Constitution of India is the supreme law of the land and provides the fundamental framework for the governance of the Country. The framers of Constitution recognized that the protection of individual rights is essential for the functioning of a democratic society. Accordingly, Part III of the Constitution guarantees fundamental rights, which serve as safeguards against arbitrary state action and provide individuals with constitutional protection of their basic freedoms. Among these fundamental rights, Article 21 holds a special place. It provides that “No person shall be deprived of his life or personal liberty except according to procedure established by law”. Although the provision is expressed in simple and concise language, its scope has undergone a remarkable transformation through judicial interpretation. The Supreme Court of India has progressively expanded the meaning of “life” and “personal liberty” to include various rights essential for a dignified and meaningful existence.¹ It is worth noting that Article 21, together with Article 20, remains enforceable even during a proclamation of national emergency, a structural feature that commentators have identified as reinforcing the foundational status Indian courts have consistently accorded to personal liberty within the constitutional scheme.²

Personal Liberty: Meaning and Scope

Article 21 of the Indian Constitution: **“No person shall be deprived of his life or personal liberty except according to procedure established by law”.**

The expression “Personal liberty” under article 21 is not defined in the constitution. Its meaning and scope have therefore been developed primarily through judicial interpretation. Personal liberty, in its broad sense, refers to the freedom of an individual from unlawful or arbitrary interference with his or her person. The scope of personal liberty has, however, undergone a significant transformation through the decisions of the Supreme Court. The Early approach was relatively narrow.

A.K Gopalan v. State of Madras³

¹ <https://blog.ipleaders.in/article-21/> visited on 1.08.2026 at 11am

² ‘Fundamental Rights: Article 21 and its Important Judgments’ (Lawctopus)

<<https://www.lawctopus.com/fundamental-rights-article-21-and-its-important-judgments/>> accessed 11 August 2026.

³ AIR 1950 SC27

The Court held that “Personal liberty” under article 21 mainly meant freedom from physical restraint or detention. The words “Procedure established by law” did not mean “due process of law.” Therefore, if a person was deprived of liberty according to a law enacted by the legislature and the prescribed procedure was followed, article 21 was considered satisfied. The case established the narrow and formal approach to personal liberty under article 21.⁴

Maneka Gandhi v. Union of India⁵

The Supreme Court significantly expanded the meaning of Article 21 and overruled the narrow approach adopted in A.K Gopalan. The case concerned the government’s impounding of Maneka Gandhi’s passport without giving her a proper opportunity to be heard. The Court held that “Personal liberty” has a wide meaning and includes several freedoms necessary for individual autonomy, including the right to travel abroad. The “procedure established by law” under article 21 must be fair, just, reasonable and non-arbitrary. Articles 14, 19 and 21 are interconnected and are often called the constitution’s “golden triangle.” Any law depriving a person of personal liberty must satisfy the requirement of all three articles.

Landmark Case Laws:

Hussainara Khatoon v. State of Bihar (1979)⁶

The Supreme Court recognised the right to speedy trial as a fundamental right under Article 21. It held that keeping undertrial prisoners in jail for excessively long periods without completing their trials violates personal liberty.

The continuing relevance of this principle is illustrated by recent prison statistics, which show that undertrial prisoners made up close to three out of every four inmates in Indian jails in 2023, with several states reporting occupancy levels well above sanctioned capacity. Such figures suggest that, despite the constitutional guarantee recognised in Hussainara Khatoon, prolonged pre-trial incarceration continues to pose a substantial challenge to the realisation of Article 21 in practice.⁷

M.H. Hoskot v. State of Maharashtra (1978)⁸

⁴ Dr. J. N. Pandey, Constitutional Law of India, (Central Law Agency, 59th Edition, 2022) pp287

⁵ AIR 1978 SC 597

⁶ AIR 1979 SC 1360

⁷ ‘Drop in Inmates, Additions but Indian Prisons 120% Full, Delhi Jails Most Overcrowded at 200%—NCRB Data’ (ThePrint, 2025) <<https://theprint.in/india/drop-in-inmates-additions-but-indian-prisons-120-full-delhi-jails-most-overcrowded-at-200-ncrb-data/2754893/>> accessed 11 August 2026.

⁸ AIR 1978 SC 1548

The Court held that an accused who is unable to afford legal representation may be entitled to free legal aid. Legal assistance is essential for a fair procedure and therefore forms part of the protection guaranteed by Article 21. Yet access to this constitutional guarantee remains uneven in practice: an analysis of legal aid budgets found that only around 7.9 per cent of eligible inmates admitted to prison between 2016 and 2019 actually availed themselves of free legal aid, pointing to a persistent gap between the right recognised in Hoskot and its enjoyment on the ground.⁹

Francis Coralie Mullin v. Administrator, Delhi (1981)¹⁰

The Court held that the right to life means more than mere animal existence. It includes the right to live with human dignity and access to basic necessities such as food, clothing, shelter and opportunities for personal development.

Bandhua Mukti Morcha v. Union of India (1984)¹¹

The Supreme Court held that Article 21 protects the right to live with dignity and directed the State to protect bonded labourers from exploitation. The judgment connected Article 21 with humane working conditions and the protection of vulnerable persons.

Government figures indicate that, since 1978, over 315,000 bonded labourers have been formally released nationwide, of whom the State claims approximately 94 per cent were subsequently rehabilitated, although independent commentators have questioned whether the pace of rescue is adequate given estimates of the scale of contemporary bonded labour. This gap between the judicial recognition of a right to dignified, exploitation free labour and the practical rate of rescue and rehabilitation illustrates the implementation difficulties that continue to attend Article 21 jurisprudence.¹²

Olga Tellis v. Bombay Municipal Corporation (1985)¹³

The Court recognised the right to livelihood as part of the right to life. It reasoned that depriving a person of livelihood may effectively deprive that person of life itself, although reasonable legal restrictions may still be imposed. The continuing salience of this reasoning is reflected in the Union Government's PM SVANidhi scheme, launched in 2020 to extend collateral free working capital loans to street vendors; by 2026 the scheme had reportedly sanctioned more

⁹ 'Understanding Legal Aid Budgets in India' (Data for Justice, Project 39A, 2021)

<<https://dataforjustice.substack.com/p/understanding-legal-aid-budgets-in-india-1393946>> accessed 11 August 2026.

¹⁰ AIR 1981 SC 746

¹¹ AIR 1984 SC 802

¹² Kabir Agarwal, 'India's Broken Promise to Bonded Labourers' (The Wire, 10 June 2025)

<<https://m.thewire.in/article/economy/indias-broken-promise-to-bonded-labourers>> accessed 11 August 2026.

¹³ AIR 1986 SC 180

than ninety six lakh loans, even as vendor associations continue to report evictions and harassment that undercut the livelihood protections envisaged in *Olga Tellis*.¹⁴

Parmanand Katara v. Union of India (1989)¹⁵

The Court held that every doctor and hospital has a duty to provide immediate medical assistance to an injured person, especially in an emergency. Preservation of life must receive priority over procedural or police formalities.

Unni Krishnan v. State of Andhra Pradesh (1993)¹⁶

The Court recognised the right to education as flowing from Article 21, especially for children. This interpretation contributed to the later constitutional recognition of free and compulsory education under Article 21A.

D.K. Basu v. State of West Bengal (1997)¹⁷

The Supreme Court laid down safeguards concerning arrest and detention to prevent custodial torture, abuse and illegal detention. It held that custodial violence violates the right to life and personal dignity under Article 21.

Notwithstanding these safeguards, official figures placed before Parliament show that deaths in police custody have persisted at a fairly constant rate over the past five years, ranging between 140 and 176 annually, while disciplinary action against implicated personnel has been recorded in only a single instance during the same period. This disjunction between the procedural protections mandated in *D.K. Basu* and the actual accountability for custodial deaths remains one of the more persistent gaps in the enforcement of Article 21.¹⁸

Vishaka v. State of Rajasthan (1997)¹⁹

The Court recognised that sexual harassment at the workplace violates women's fundamental rights, including dignity and personal liberty under Articles 14, 15, 19 and 21. It laid down guidelines that operated until Parliament enacted specific legislation. Data compiled from

¹⁴ 'SubscriberWrites: When India Needed Them Most, Street Vendors Kept Its Cities Alive' (ThePrint, 29 June 2026) <<https://theprint.in/yourturn/subscriberwrites-when-india-needed-them-most-street-vendors-kept-its-cities-alive/2973192/>> accessed 11 August 2026.

¹⁵ AIR 1989 SC 2039

¹⁶ (1993) 1 SCC 645

¹⁷ AIR 1997 SC 610

¹⁸ 'Custodial Deaths at 170 This Year, Accountability Nearly Absent: Govt Data' (The Wire, 25 March 2026) <<https://m.thewire.in/article/government/custodial-deaths-at-170-this-year-accountability-nearly-absent-govt-data>> accessed 11 August 2026.

¹⁹ AIR 1997 SC3011

corporate disclosures indicate that sexual harassment complaints reported by major Indian companies rose by over 40 per cent in the 2023-24 financial year compared with the previous year, a trend attributed both to greater willingness among employees to report harassment and to continuing gaps in the implementation of internal complaints mechanisms envisaged by the Vishaka guidelines.²⁰

M.C. Mehta cases

Through several environmental cases, the Supreme Court recognised the right to a clean and healthy environment as part of Article 21. Protection from pollution, hazardous activities and environmental degradation was treated as necessary for a dignified life.

The health stakes underlying this line of jurisprudence are considerable: the Lancet Countdown on Health and Climate Change 2024 report estimated that long term exposure to fine particulate matter contributed to over 1.7 million deaths in India in 2022 alone, with fossil fuel combustion accounting for a substantial share of this toll. Such findings lend continuing empirical weight to the judiciary's characterisation of a clean environment as integral to the right to life under Article 21.²¹

Chameli Singh v. State of Uttar Pradesh (1996)²²

The Court recognised the right to shelter as an important part of the right to life. Shelter means more than a roof; it includes a safe and decent place necessary for physical, mental and social development.

Aruna Ramachandra Shanbaug v. Union of India (2011)²³

The Court recognised, subject to safeguards, the concept of passive euthanasia and the right to die with dignity in certain medical circumstances. The judgment did not create an unrestricted right to commit suicide.

Recently Recognised Rights:

Article 21 has been interpreted as a living and expanding fundamental right. Recent judicial developments have connected it with new social, technological and environmental needs, while protecting the broader right to live with dignity.

²⁰ 'For India Inc POSH Complaints Have Grown Faster Than Their Resolution' (Business Standard, 16 May 2024) <https://www.business-standard.com/industry/news/for-india-inc-posh-complaints-have-grown-faster-than-their-resolution-124051600590_1.html> accessed 11 August 2026.

²¹ 'PM2.5 Claimed Over 1.7m Lives in India in 2022: Lancet Report' (The Tribune, 2024) <<https://www.tribuneindia.com/news/delhi/pm2-5-claimed-over-1-7m-lives-in-india-in-2022-lancet-report>> accessed 11 August 2026.

²² (1996) 2 SCC 549

²³ AIR 2011 SC 1290

1. Right against Climate Change

In *M.K. Ranjitsinh v. Union of India* (2024),²⁴ the Supreme Court recognised that individuals have a constitutional right to be protected from the adverse effects of climate change. The Court connected this protection with Articles 14 and 21 because climate change can seriously affect health, life, livelihood and equality.

2. Right to Digital Access

In *Amar Jain v. Union of India* (2025),²⁵ the Supreme Court treated inclusive and meaningful digital access to government services and welfare schemes as connected with the right to life and personal liberty. The State must take steps to ensure that persons with disabilities and other vulnerable groups are not excluded because services are provided digitally. The urgency of this recognition is underscored by wider evidence of digital exclusion: an Oxfam India study found that barely nine per cent of households in the poorest fifth of the population had any access to the internet, and that more than half of children with disabilities faced difficulty attending classes when schooling shifted online, patterns that mirror the exclusionary effects the Court sought to address in *Amar Jain*.²⁶

3. Right to Privacy and Data Autonomy

In *Justice K.S. Puttaswamy v. Union of India* (2017),²⁷ the Supreme Court recognised privacy as a fundamental right under Article 21. It includes bodily privacy, decisional autonomy, personal choices, family life and control over personal information.

4. Right to Die with Dignity

In *Common Cause v. Union of India* (2018)²⁸, the Court recognised a limited right to die with dignity in cases involving terminal illness and irreversible medical conditions. It permitted passive euthanasia and advance medical directives subject to legal safeguards; this does not create an unrestricted right to commit suicide.

²⁴ 2024 INSC 280

²⁵ 2025 INSC 599

²⁶ 'Digital Divide: India Inequality Report 2022' (Oxfam India, December 2022) <<https://ruralindiaonline.org/en/library/resource/digital-divide-india-inequality-report-2022/>> accessed 11 August 2026.

²⁷ (2017) 10 SCC 1; AIR 2017 SC 4161

²⁸ AIR 2018 SC 1665

Implementation of this right has advanced unevenly across states: Goa became the first state to operationalise the Supreme Court's simplified 2023 procedure for advance medical directives, with a serving judge of the Bombay High Court publicly executing a living will in May 2024 to encourage wider uptake of the facility. The slow pace of institutional readiness elsewhere illustrates the gap that frequently separates the judicial recognition of a right under Article 21 from its practical accessibility to ordinary citizens.²⁹

5. Right to Reproductive Autonomy

Article 21 has also been interpreted to protect a person's bodily autonomy and reproductive choices. This includes the freedom to make important decisions concerning pregnancy, family life and medical treatment, subject to law. This principle found concrete application in 2022, when the Supreme Court held that the rights of reproductive autonomy, dignity and privacy under Article 21 entitle an unmarried woman to decide whether to bear a child on the same footing as a married woman, thereby extending safe abortion access under the medical termination of pregnancy framework to all women regardless of marital status.³⁰

6. Right to a Healthy Environment

7. The right to clean air, safe water, sanitation and an ecologically balanced environment has been treated as part of the right to life. Environmental degradation can violate Article 21 when it threatens human health and dignified living.

7. Right to Health and Emergency Medical Care

The right to receive timely medical treatment is an important part of Article 21. Hospitals and medical authorities should not deny emergency care merely because of procedural or financial difficulties, as protection of life must receive immediate priority.

8. Rights of Transgender Persons and Gender Identity

²⁹ 'Goa Implements Its First "Advanced Medical Directive - Living Will" Regime in India' (Medbound Times, 2026) <<https://www.medboundtimes.com/medbound-blog/goa-implements-its-first-advanced-medical-directive-living-will-regime-in-india>> accessed 11 August 2026.

³⁰ 'Bodily Autonomy & Safe Abortion, a Right Under Article 21' (CJP, 2022) <<https://cjp.org.in/bodily-autonomy-safe-abortion-a-right-under-article-21/>> accessed 11 August 2026.

In *NALSA v. Union of India* (2014), the Supreme Court recognized the right of transgender persons to self-identify their gender and emphasized dignity, autonomy and personal freedom.

Despite this recognition, implementation remains limited: the 2011 Census recorded approximately 488,000 transgender persons in India, yet reports indicate that fewer than six per cent have obtained the identity documentation needed to access welfare schemes created for the community, and only seventeen states had established dedicated welfare boards for transgender persons. This gap between constitutional recognition and administrative delivery mirrors the broader implementation difficulties associated with the expansion of Article 21.³¹

9.Right to Marry a Person of One's Choice

In cases such as *Shafin Jahan v. Asokan K.M.* (2018), the Supreme Court held that an adult has a fundamental right under Article 21 to marry a person of their choice, and neither the family, society, State, nor courts can interfere with that autonomous decision without a lawful and constitutionally valid reason. The social resistance such unions can provoke is well documented: government data placed before Parliament recorded roughly 500 deaths attributed to honour killings between 2014 and 2018, the majority arising from families' opposition to marriages across caste or community lines, underscoring the continuing gap between the constitutional protection recognised in *Shafin Jahan* and lived social reality.³²

Challenges and Limitations

1. Judicial Overreach – Broad interpretation of Article 21 may sometimes raise concerns about the judiciary entering areas traditionally within the legislature's domain.

This concern has been voiced at senior levels of government: a former Attorney General of India remarked before the Supreme Court that the judiciary had progressively read over thirty new rights into Article 21, a comment frequently cited in debates over whether the pace of rights expansion under this provision has outstripped the boundaries of legitimate constitutional interpretation. Such observations highlight the continuing tension between an

³¹ 'India's Transgender Welfare Boards Fail to Meet Trans People's Basic Needs' (Washington Blade, 30 November 2024) <<https://www.washingtonblade.com/2024/11/30/indias-transgender-welfare-boards-fail-to-meet-trans-peoples-basic-needs/>> accessed 11 August 2026.

³² 'Village Councils to Be Punished for Destroying Inter-Caste Marriages, Indian Court Rules' (Thomson Reuters Foundation, 2018) <<https://www.pressreader.com/guyana/stabroek-news/20180328/281565176311219>> accessed 11 August 2026.

evolving Article 21 and the institutional restraint expected of the judiciary in a system founded on separation of powers.³³

2. Unclear Boundaries – The expressions “life” and “personal liberty” are broad and undefined, making it difficult to determine the exact limits of Article 21.

3. Individual Rights vs. State Interests – Personal liberty must sometimes be balanced against national security, public order, public health and other legitimate State interests.

4. Implementation Gap – Recognition of a right by the judiciary does not automatically ensure its practical implementation. Effective enforcement requires governmental policies, resources and infrastructure.

5. Socio-Economic Inequality – People may not have equal access to rights relating to health, education, livelihood, shelter and a clean environment because of economic and social disparities.

6. Technological Challenges – Digital privacy, surveillance, artificial intelligence, biometric data and misuse of personal information create new challenges for Article 21.

7. Conflict with Other Rights – The right to privacy and personal liberty may sometimes conflict with freedom of speech, right to information, public interest or national security.

8. Need for Judicial Balance – Courts must balance judicial activism with judicial restraint so that Article 21 continues to evolve without exceeding constitutional limits.

Conclusion:-

The evolution of Article 21 represents one of the most significant developments in Indian constitutional jurisprudence. Its journey reflects the transformation of the right to life and personal liberty from a narrowly understood protection against physical deprivation into a comprehensive guarantee of human dignity and individual freedom. The Supreme Court, through its progressive interpretation, has ensured that the meaning of life remains responsive to the changing needs, aspirations and realities of society. However, the expansion of Article 21 must be accompanied by constitutional discipline. The judiciary must balance the protection of individual rights with legitimate State interests, competing fundamental rights and the principle of separation of powers. At the same time, the State has an important responsibility

³³ ‘Judicial Over-Reach’ (Lawyers Club India) <<https://www.lawyersclubindia.com/articles/judicial-over-reach-8552.asp>> accessed 11 August 2026.

to translate constitutionally recognized rights into meaningful realities through effective laws, policies and institutions.



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