
RIGHT TO LIFE: AN ANALYSIS ON ARTICLE 21

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ABSTRACT

The right to life is guaranteed to every individual through Article 21 of Constitution of India. On account of *Kharak Singh v. State of Uttar Pradesh*¹, the Supreme Court cited and held that: By the expression "life" as here utilized something more is implied than simple creature presence. So, the right to life not only means the right to exist while breathing but much more with various rights and interpretations. Living a life of dignity with basic food, clothes, shelter, right to education, right to live pollution free life, right to medical health care facility, right to privacy and many other rights are considered to fall under the purview of Article 21 of India by various judgments. Article 21 guarantees that a person will never be deprived of his or her right to life or freedom unless the procedures laid down by the law are followed. The scope of the right to life is so broad that judicial intervention continues to expand its meaning and provide various rights to fall under it. Whether it is minimum wages for a worker or proper education for the young children, the right to life encompasses everything from birth to death. The right to personal liberty includes the right not to be arrested, detained, or held in custody without due process of law. Article 21 is one of the most dynamic provisions in the Constitution of India. It is constantly evolving like an organism and picks up the trends of dynamics that meet the needs of the society. Therefore, in order to meet the current challenging conditions in society and to fulfil the dynamic aspirations of the society, the judicial machinery or the legislature will always have to introduce new aspects related to Article 21.

Keywords: Right to Life, Dignity, Procedure established by Law, Evolving

¹AIR 1963 SC 1295

RIGHT TO LIFE- MEANING, CONCEPT AND EVOLUTION

Article 21 read as: "No person shall be deprived of his life or personal liberty except according to a procedure established by law.

The right to live a life that is free, abundant and honest is perhaps the most fundamental principle of human life. Every human being has the right to live his or her life according to his or her own terms, without undue interference from others. The concept of the right to life is a belief in the fundamental right to life, particularly the right to life not to be killed by another human being. This concept has been widely discussed in debates on the topics of the death penalty, self-defence, abortion, and war. More generally, it is a political and ethical view that states that human foetus and embryo are persons and thus have a right to life. However, it can also be used to refer to abortion. The right to life is based on three elements: food, cloth, and shelter. Locke defined civil society as a group of people who work together to protect each other's lives, rights, and property. Hobbes, a jurist, held that every individual has a fundamental moral obligation to protect themselves, and thus a natural entitlement to do anything that results from that obligation. In Hobbes's social contract, rational individuals transfer all of their rights to the individual or entity they appoint as their master, and all of their actions are considered to be authorized by that authority. A true majority rule government must guarantee its citizens the right to live their own lives and freedom.

The concept of 'life' and 'individual freedom' encompasses a wide range of rights of individuals, which are a result of the long-term process of judicial translation of Article 21. Article 21 confers two rights: the right to life and the right to personal liberty. However, Article 21 of Indian Constitution has a broader meaning, which includes respect for people's right to live, right to work, right to happiness, and right to breathe clean air.

EVOLUTION OF ARTICLE 21

The history of Article 21 of the Indian Constitution can be traced back to the Government of India Act, 1935 which introduced the concept of the "Right to Life". Article 21 was retained in the final version of the Indian Constitution, despite its origin during the British Raj. Article 21 is now seen as the "heart" of the fundamental rights, as all other fundamental rights are intended to improve the quality of life, but for these rights to be effective, the right to life must first be safeguarded, which is done through Article 21. The interpretation of the right to life today is

substantially different from that of 1950 when the Indian Constitution was enforced. The framers of the Constitution did not take into account Article 21 as it is now implemented by the legislative bodies, as the sole purpose of Article 21 at that time was to declare that the state could take away a person's life in any manner it chose, provided that a law was passed for that purpose.

One of the first landmark judgments in this long history of the development of the 'right to life' was *A.K. Gopalan v. State of Madras*², in which the Supreme Court absurdly restricted the meaning and the scope of 'personal liberty' to just 'freedom of the body'. In its judgment, the Supreme Court held that the fundamental right to life is a 'procedural right' and not a 'substantive right' and thus gave rise to the idea that the state may limit the right of a person to life. Another landmark judgment was *Kharak Singh v. State of Uttar Pradesh*³ where the Supreme Court ruled that the action of the police in conducting regular checks at the petitioner's house was a violation of the petitioner's right to life as there was no law to justify the action of police. Interestingly enough, the question of whether or not the right to private life falls within the scope of the fundamental right was also put forward in this case, and while the majority of the court opposed the motion, Justice Subba Rao held that the 'privacy' should be a component of the fundamental right.

The next big case that changed the way we think about the Right to Live was the Supreme Court's ruling in *ADM Jabalpur v Shivkant Shukla*⁴. In this case, the court basically said that Article 21 of the Constitution of India was dead letter because the Supreme Court said that a person can't go to the High Court or Supreme Court in an emergency, even if they have a right to life that's protected by Article 21. This means that the powers and scope of Article 21 in the Constitution of India are limited.

*Maneka Gandhi v. Union of India*⁵ is another case that has made a big impact on the right to life. In this case, the Supreme Court took a different approach than previous cases on the same issue. It ruled that the word "freedom" in Article 21 of the Indian Constitution has the broadest meaning. The Supreme Court also ruled that Article 19 and Article 21 are not exclusive, and any law that is passed by the legislature should be in line with Article 21 and Article 19. This

² AIR 1950 SC 27

³ AIR 1963 SC 1295

⁴ AIR 1976 SC 1207

⁵ AIR 1978 SC 597

ruling was made after the Supreme Court overruled the case of A.K. Gopalan. The Maneka Gandhi case also changed the way the Indian justice system works. Now, when a law is used to limit someone's right to life, it needs to be based on due process. That means it can't just be a law, it has to be fair, reasonable, and not arbitrary, and it has to follow the rules of natural justice. This case is important because before Maneka Gandhi, the scope of Article 21 was really limited. Now, it's much broader, and the Supreme Court has laid the foundation for the future of Article 21 and the right to life.

Following the judgment of the Supreme Court in the Maneka Gandhi case, the Supreme Court has been very active in extending the scope and scope of the fundamental right to life as provided for in Article 21 of the Indian Constitution. There have been several instances where the Supreme Court has extended the scope of Article 21 of the Constitution. One such instance is the judgment of the Court of Justice of the Union of India in the case of Francis Coralie Mullin v. Union Territory of Delhi and Ors⁶. In the judgment, the Supreme Court of India correctly held that the basic right to life was not limited to being physically present but that it also meant living with human dignity. In addition, the Supreme Court held that the bare necessities of life such as food, clothes, shelter etc. also fall under the term 'Life' as mentioned in Article 21.

The Supreme Court and other High Courts of India have consistently interpreted the concept of 'life' as laid down in Article 21 of the Constitution in a liberal manner. Even in the present day, the Indian judicial system has endeavoured to keep up with the evolving needs of the society of India. One of the most significant judgments on Article 21 in the Indian Constitution is the judgment of the Supreme Court of India in case of Justice K.S.Puttaswamy (Retd) v Union of India & Ors⁷, in which the Supreme Court ruled that the right to private life also falls within the scope of Article 21.

CONCEPT OF RIGHT TO LIFE UNDER INDIAN CONSTITUTION

Article 21 read as:

"No person shall be deprived of his life or personal liberty except according to a procedure

⁶ AIR 1981 SC 746

⁷ AIR 2017 SC 4161

established by law.

Article 21 is considered to be the heart of the Constitution, the most natural and progressive provision of our living Constitution, the basis of our laws. While the phraseology of article 21 begins with the word 'deprived', the word 'no' is used in connection with the concept of deprived. The purpose of the fundamental right under article 21 is to prevent the infringement of personal liberty and the deprivation of life except according to the procedure laid down by law. This clearly indicates that this fundamental right has been established against state only. If an act of private person is tantamount to the infringement of the personal liberty or the deprivation of life of another person then the act will definitely fall within the scope of Article 21. If the act of private person supported by the state is such as to violate the personal liberty of another person, then the remedy for the aggrieved person would fall within Article 226 of the Constitution or under the general law. The definition of the state is not limited to a limited scope. It encompasses government departments, legislative bodies, administrative bodies, local authorities that exercise statutory powers, and so on. However, it does not encompass non-state or private entities that do not have statutory powers. Examples of such entities include a company, an autonomous body, and others.

The primary purpose of Article 21 is to ensure that the procedure laid down by law is followed prior to the deprivation of life or personal liberty by the state. The right to life is the right to lead a life of dignity and worth. There is no limit to the meaning of the word life. This right will be available to all the citizens of the country. Personal liberty is the freedom from physical constraint of the person by the state. It includes all the types of rights other than the ones laid down in Article 19 of the Constitution. Procedure established by law is the law laid down by the state. Deprived has a wide range of meanings under the Constitution. These elements are the essence of this provision. One of the fundamental rights under Article 21 is the right to life. This right has been described by the Apex Court as the heart of fundamental rights.

DIFFERENT DIMENSIONS OF RIGHT TO LIFE

RIGHT TO MEDICAL CARE AND HEALTH

A healthy body is essential for living a full life. Our bodies are responsible for performing various functions that form the foundation of our lives. If we are unwell or fail to receive proper and timely medical treatment, then we will not be able to enjoy our life to the full because our

activities will be limited by diseases and illnesses. In *State of Punjab v M. S. Chawla*,⁸ the Court held that health and medical care fall within the scope of the fundamental right to life guaranteed by Article 21.

RIGHT TO SHELTER

The right to life as recognised by the Court in *Shantisar Builders v. Narayan Khimalal Totame*⁹ includes the right to eat, to wear clothes, and to have a decent and comfortable place to live. The Court also noted that one of the differences between humans and animals is that human beings require a shelter under which to live. Animals only seek the shelter of their physical body, but for human beings, the need for shelter has a broader meaning. Shelter is essential for the development of the body, mind, and intellect. It is not necessary for all to have well built, large, comfortable houses. Decent and reasonable housing is what is required.

RIGHT TO HEALTHY AND CLEAN ENVIRONMENT

The food we eat is dependent on the environment around us. Therefore, any damage to the environment has a significant impact on the lives of people. A polluted environment is the antithesis of our fundamental right to life. It means that we cannot enjoy our life in full because of polluted resources that are not fair to human consumption. This is why in the judgment of the Supreme Court in the *State of Bihar v. Subhash Kumar*¹⁰ the Court held that the enjoyment of water and air free from pollution fell within the scope of the fundamental right to life provided for in Article 21. If any activity adversely affects the environment, then Article 32 can be invoked to put an end to the cause of damage or pollution.

RIGHT TO PRIVACY

The right to privacy was first invoked in the *Kharak Singh* case in which the main issue was the surveillance of the suspect. The Court connected the right to privacy to the right to protection of life and personal liberty. Thus, if the surveillance was intrusive and seriously affected the privacy of the citizen, it violated both Article 19(1) (d) and Article 21. However, in the case of *Govind v State of Madhya Pradesh*¹¹ Justice Mathew held that the right to privacy

⁸ AIR 1997 SC 1225

⁹ AIR 1990 SC 630

¹⁰ AIR 1991 SC 420

¹¹ AIR 1975 SC 1378

is not an absolute right and that it has penumbral zones. Consequently, reasonable intrusions such as those provided for by legislative measures, administrative and executive orders, and judicial orders do not infringe the right to privacy.

The Supreme Court has upheld the fundamental right to privacy in yet another case, this time in the form of a case brought forward by a retired jurist, Judge K. S. Subramaniam (Retd). Subsequently, after hearing the submissions of both parties, the Court ruled that the government's practice of introducing biometrics-based identification cards for the purpose of accessing government services and advantages infringes upon the citizen's right to privacy, which is an integral part of the fundamental right to life.

RIGHT TO EDUCATION

The right to education has been recognised for the first time in the judgment of the three-judge bench of the Supreme Court of India in the matter of *Mohini Jain v. State of Karnataka and Ors*¹². The three-judge panel ruled that education was an integral part of the “right to life” and “personal freedom” under Article 21 of the Constitution of India. In the case of the petition challenging the law of the state of Karnataka on the “Right to Education Act” which provided free compulsory education up to and including primary school education to all children between 6 and 14 years of age, the three judges ruled that “education is an integral part of life” and that “the state must make provision for affordable and available education for all”. Education ensures that other rights such as food, shelter and livelihood are safeguarded collaterally.

RIGHT TO INFORMATION

The right to information was included in the scope of Article 21 of the fundamental right of the people of India in the judgment of the Court in *R. P. Ltd. vs. Indian Express*¹³. In that judgment, the Court of Justice emphasised the importance of information in a democracy. The Court held that information about various aspects of the functioning of the government and other matters affecting the rights of the people is essential so that we can make an informed decision. In order to make genuinely free decisions, it is necessary to have access to information. That is why the

¹² AIR 1992 SC 1858

¹³ AIR 1989 SC 190

law of right to information was introduced in the law of 2005.

RIGHT TO SPEEDY TRIAL

There is a long history of criminal cases dragging on for years in India. Under-trial prisoners are the worst affected by this. The case drags on for years and the accused spends even more time in jail than the maximum sentence prescribed for the crime. The right to a fast-track trial was recognised as an integral part of the fundamental right to life, liberty and security of person under Article 21 of the Constitution of India. In the landmark judgment in the matter of the Hussainara Khatoon vs. Home Secretary, State of Bihar ¹⁴, the Court held that a person's right to speedy trial was implicit in the right to life and personal liberty under Article 21.

RIGHT TO LIVELIHOOD

At the outset, in the *Re Sant Ram* judgment (1960), before the judgment of the Supreme Court in the case of *Maneka Gandhi*, it was held that the right to earn a living could be covered by Article 19 or even in a limited sense by Article 16, but not by Article 21. This was interpreted as meaning that the word 'life' did not include 'livelihood'. However, post-*Maneka Gandhi* case, Article 21 was interpreted in a broad sense. For example, in the judgment of the General Court in *Board of Trustees of the Port of Bombay v. Dilipkumar Raghavendranath Nadkarni* ¹⁵, it came to the conclusion that the term 'life' in Article 21 also included 'livelihood'. In the judgment in *Olga Tellis (Pavement Dwellers case)*, it was held that no one can live or have a life worthy of living without having a means of earning a living. It was further held that the State may not actively provide every person with a means of livelihood, but it cannot deprive someone of their right to earn without due process of law.

RIGHT TO DIE

The question of whether the fundamental right to life extends to the right to die has always been a matter of dispute. The dispute between the fundamental right and the fundamental right to die began in 1986 when the Bombay High Court ruled that the fundamental right of life under Article 21 included the fundamental right to death. Subsequently, Section 309, which penalised the act of suicide, was annulled on the ground that it was unconstitutional.

¹⁴ AIR 1979 SC 1369

¹⁵ AIR 1983 SC 109

Subsequently, the Supreme Court confirmed this in the *P.R. Rathinam vs. Union of India*¹⁶. The Court held that the fundamental right includes the fundamental right to live a life of dignity and not to suffer a forced life. In *Gian Kaur v State of Punjab*¹⁷, however, this decision was annulled. The Court held that Article 21 protects the fundamental right to life and that suicide is not natural at all. It is an artificial end of life. This is the complete antithesis of the fundamental right of life. The Court also held that suicide is different from euthanasia. In the end, the Court confirmed that the fundamental right to live includes the dignity of life, but only until natural death. Thus, the right to die did not come into play.

RIGHT TO FREE LEGAL AID

The right to receive free legal aid has been recognised as a fundamental right in accordance with Article 21 of the Indian Constitution. This right is safeguarded by Article 39A of the 42nd Amendment of the Indian Constitution, which is based on the principles of State Policy, and is implicit in Article 21. Article 21 guarantees individuals the right to life, liberty and security, except in cases where the law has determined the procedure to be followed. Consequently, a person who is unable to defend themselves against the procedure laid down in Article 21 is clearly deprived of this right. Free legal aid is essential in order to provide equal opportunity to the disadvantaged, poor and weaker members of society to protect their rights of life and liberty.

RIGHT AGAINST INHUMANE TREATMENT

Ceaseful and inhumane forms of punishment, such as handcuffing and use of chains and iron rods, have been observed by the courts. Such cruel and inhumane treatment is totally unjustified and in breach of Article 21. Certain forms of restraining devices can be used, but only in specific and limited cases. In 1980, the Supreme Court of India held that four undertrial prisoners should not be chained to iron rods. In the case, the Court held that this was an inhuman and inadmissible practice. The Court ordered that the iron rods should be removed immediately. In 1990, the Supreme Court in one of the cases held that, the accused who voluntarily gave up and refused to bail for public good should not be chained. The Court held that the handcuffing was inadmissible and in breach of article 21.

¹⁶ AIR 1994 SC 1844

¹⁷ AIR 1996 SC 946

RIGHT TO SLEEP

It is interesting to note that even the right to sleep has been recognised as a fundamental right in Article 21. In fact, the Supreme Court ruled that the police action against the sleeping mob in Ramlila maidan was a violation of the fundamental right to sleep. The right to sleep is a fundamental right of every citizen as it is a fundamental right to life. According to the Court, “sleep is necessary for a person to maintain the balance of health which is essential for his or her existence and survival. Therefore, sleep is a fundamental and fundamental requirement without which the very existence of life would be in danger.” Therefore, recognising the health advantages of sleep for a person, it has been established as a fundamental right of a person under Article 21.

RIGHT TO REPUTATION

The right to reputation was mentioned as an important aspect of Article 21 of the Constitution of India in the case of Board of trustees’ case. The right to a good reputation is an essential component of living a decent life which is guaranteed by the fundamental right of life. Our Constitution guarantees freedom of expression but it cannot be used to malign someone. Furthermore, reasonable limitations can be placed on the freedom of expression. Defamation is also a crime under the Indian penal code. Therefore, in order to ensure that everyone lives a decent life with good reputation, it has been included in Article 21.

RIGHT AGAINST CUSTODIAL HARASSMENT

There have been many cases of custodial violence in India. However, it is widely accepted that custodial violence constitutes a gross violation and complete violation of human dignity. The worst part is that it is perpetrated by the state, which is supposed to protect us. In 1996, the Supreme Court of India gave a landmark ruling in *DK Basu v State of West Bengal*¹⁸ and held that “*worst violations of human rights take place during the course of an investigation when the police with a view to secure evidence or confession often resorts to third-degree methods including torture and adopt techniques of screening arrest by either not recording the arrest or describing the deprivation of liberty merely as a prolonged interrogation.*”

¹⁸ AIR 1997 SC 610

ANALYSIS OF RIGHT TO LIFE UNDER INTERNATIONAL SCENARIO

One of the oldest legal concepts to be safeguarded by national courts is the liberty of the person. This concept dates back to 1215 when the King of England declared that, “No man shall be taken or imprisoned except by the laws of the land.” Article 21 of the Constitution of India corresponds to the provisions of the Magna Carta of 1215. The fifth amendment of the U.S. Constitution, Article 40 (4) in the Constitution of Ireland of 1937, and Article XXXI in the Constitution of Japan of 1946 also provide that no person shall be deprived of life, liberty, or security, except by a procedure prescribed by law, provided that that procedure is fair, equitable, and just. Hence, the concept of “procedure established by law” has acquired as much importance in India as that of “due process of law” in the United States.

The framers of the Constitution of India were deeply influenced by the UDHR (Universal Declaration of Human Rights) 1948, which had a big impact on the drafting of the Constitution. Article 9 of the UDHR states that everyone has the right to "life and personal liberty". Since India was a signatory to the UDHR, the Constituent Assembly adopted the same provision as a fundamental right in the Constitution. The Supreme Court said that the UDHR isn't a legally binding document, but it shows how India understood the concept of human rights at the time when the Constitution was written. Article 21 is one of the most famous provisions of the Indian Constitution and holds a special place in its list of fundamental rights. It guarantees the right to life and liberty to citizens and foreigners and can be enforced against the state. The UN General Assembly declared in 1948 that everyone has the "Right to Life, Liberty and Security of Person" and that everyone is protected by the law. In 1966, The International Covenant on Civil and Political Rights was adopted by the UN General Assembly, saying that everyone has a "Right to Life" and that no one should take away without due process.

The right to life was mentioned for the first time in England in 1215 when it was written, “No man, woman or child shall be taken from his or her home, put in prison, dismembered, outlawed, cast out or destroyed without a valid and lawful process, except as provided for by the law of England.” Nowadays, this right is available to everyone in the UK whether they are a British citizen or not. The Human Rights Act 1998 ensures that no one is deprived of their life and that proper investigation must be carried out in the event of an unexpected or suspicious death. This means that the state cannot infringe on this right, not even in an emergency situation, except in cases of statutory necessity. Article 5 safeguards the right to freedom and security. This protects

people from arbitrary deprivation of liberty and security, except where the law provides otherwise.

The Fourth Amendment was passed in 1791 to protect the individual liberty of the American citizens by prohibiting the unreasonable search and seizure of ‘persons, places, things, or things of value belonging to the United States of America.’ The Fifth Amendment was adopted in 1791 to ensure that no one is forced to testify against themselves or deprived of their liberty or property. The Sixth Amendment was adopted in 1868 to protect the right of the accused to a fast and public trial. The Eighth Amendment was adopted in 1870 to ensure that the state does not impose excessive fines or cruel and unusual punishment on any individual. The 14th Amendment was passed in 1868 to ensure that no person born or naturalized in the United States is deprived of any right or privilege. The main difference between the US and India is that in the US the courts have broader powers to examine not only the legality of the process followed but also the justification of the law which prescribes the process that deprives the person of their life or liberty.

CHALLENGES FACED IN THE IMPLEMENTATION OF THE RIGHTS UNDER ARTICLE 21

In the long term, a right to shelter includes an adequate dwelling space, a better than average quality of shelter, clean water and sanitation, and the ability to travel to work and other places. A right to shelter does not just guarantee a roof over one’s head, but paves the way to all the frameworks necessary to empower a person to live and grow as a human being. In 2017 alone, hundreds of homes were demolished by state governments across India, in violation of international human rights standards. The reasons behind the shelter related problem in India include land policy, a lack of low-cost housing facilities, rising homelessness, forced evictions, land acquisition, and more. The Indian government should invest more in low-cost housing. The homeless should be prioritized in the allocation of housing by the government. Finally, the government should create long-term and effective, individual-centered solutions in the pursuit of housing rights, ranging from emergency humanitarian measures such as shelters to permanent housing facilities.

Supreme Court give children a right to education based on Article 21 of the Constitution. But then, in 2002, Article 21-A was added to the Constitution and education was explicitly mentioned in Part 3. But there are still a lot of things that can stop kids from getting the

education they need, like the quality of the education they're getting, the teachers they're getting, poverty, discrimination based on gender, not having enough facilities, and a bad teacher-pupil ratio.

The Universal Declaration of Human Rights mentions the innate pride of the members of the human family as the basis for achieving opportunity harmony and equality, however, various incidents in various parts of India perpetrated by government authorities raise the question of whether this fundamental right to life with dignity is actually implemented in India. For instance, in Karnataka, two incidents have been reported in which the police have forced the alleged perpetrators of a lockdown to strip, whereas a common person risk being beaten by the police or being ashamed to even go out to purchase food and other essential household items. In contrast, there have also been incidents in which wealthy and influential individuals, such as Members of Parliament, Members of the Legislative Assembly and Ministers, have blatantly violated the lockdown, yet the public authorities have failed to take any action to prevent them. Therefore, this discrimination against the ordinary person by the government should be ended in order to ensure the implementation of the right to life with human dignity.

There are a number of factors that stand in the way of proper implementation of “right to livelihood”. These include an increasing population, an uneducated youth population, the closure of businesses due to the government’s lockdown as a means of controlling and fighting the coronavirus pandemic, the fall in the market as a result of the lockdown, distress migration from the rural to the urban areas, etc. The steps that the Indian government should take to ensure that more and more people across the country have the right to live affordably include:

Despite judicial statements and various initiatives by governments, there are still various obstacles to the effective implementation of the right to health care. These obstacles include lack of awareness among the general population, lack of skilled medical workforce, lack of proper healthcare infrastructure (i.e., hospitals, equipment, and medical care goods such as medicines, gloves, syringes etc. and the steps that the governments need to take to ensure proper access to medical care. The steps that governments need to take are to provide quality medicines to a larger number of people in India and to ensure that the integrity of the drug is preserved during the distribution process. The governments need to invest more in educating people about their own health, improve healthcare infrastructure and create more hospitals in remote areas where there is no access to health care (especially in the rural and tribal areas).

The governments should also invest more in training more and more health professionals in India. All of these steps will help to ensure that more and more people have access to medical care in India.

The right to privacy in India has been safeguarded against the violation of the right by the government and not against the violation by private individuals. If the perpetrator of the violation is a private individual, then the only option left to the victim is to bring a civil suit against that individual where he can seek compensation for the violation of his privacy. Currently, the biggest issue before the law is the lack of proper law against the violation of right to private life by the private individual. Therefore, in order to safeguard this specific right of the citizen, the government needs to bring effective and efficient law where preventive and punitive measures are also available against the violation of privacy of the private person.

Even though legal provisions are in place to ensure this right, there are still several obstacles that stand in the way of the proper implementation of free legal aid, such as: lack of public legal education and awareness lack of support from the legal fraternity (legal professionals, lawyers, etc.) towards this right lack of control over the law enforcement agencies lack of use of para-legal volunteers.

CONCLUSION

Human rights have been the cornerstone of a civilised human life since time immemorial. Human rights are sacrosanct, indestructible, universal, and unalienable. Human rights safeguard the sanctity of life. One of the fundamental human rights is that of life. In India, 'life' has been given a very broad meaning. According to Article 21 and the relevant judicial interpretations, 'life' is more than just 'breathing'. It encompasses a whole host of other elements. As human beings, our right to life is the very basis of our existence. We cannot survive as human beings without access to all the other essential elements such as health, freedom, security, etc. that make our life worthwhile and complete. Therefore, life includes the minimum necessary elements that every human being must have in order to live fully and make the most of this life. A right to life ensures that no one can be deprived of life and personal liberty except in the manner prescribed by law. Article 21 of the Constitution of India guarantees a right to life and a right to personal liberty. Article 21 has three essential components. Life, liberty and dignity. With the rise of judicial activism and the interest in human rights, Article 21 has broadened its scope to include a number of other components that

make human life valuable and fulfilling. Article 21 protects the fundamental right to life and liberty and provides that “no person shall be deprived of life and liberty except in accordance with the procedure laid down by law”. Article 21 of the Constitution was initially drafted in a narrow sense. However, the law in the field of Life and Personal Liberty of a person developed progressively and was interpreted in a liberal sense. The scope of the provisions of Article 21 has occasionally been broadened. The provisions of Article 21 imposed a limitation on a procedure which prescribed the deprivation of a person’s life or personal liberty by stating that the procedure prescribed for the deprivation of life or personal liberty had to be reasonable, just and not arbitrary, capricious or fanciful. The interpretation of the words ‘life’ and ‘personal liberty’ in various judgments of Apex Court is multifaceted. Any State which deprives a person of his or her life or personal liberty would be contrary to Article 21. However, technological, social and political changes in society have led to the inclusion of several new rights within the scope of Article 21, such as the right to livelihood, the right to a pollution free environment, the right to education, the right to shelter, and the right to free legal assistance e.g., through various judicial precedents (although some of these rights were previously part of the Directive principles of state policy). Article 21 is one of the most dynamic provisions in the Constitution of India. It is constantly evolving like an organism and inherits the dynamics of the society that cater to the desires of the people. The scope of the right to life and personal liberty continues to evolve and will continue to evolve in the future through various judicial pronouncements and legislative enactments. Article 21 is an inclusive provision that covers all the important rights in part III of the Indian Constitution. The fundamental right to life is the most fundamental right of all. Every individual has the right to live, liberty and security of person. Every other right adds quality to it and depends on the existence of life itself for its functioning. Since human rights can only be attached to living beings, it can be said that the right to life is, in a sense, primary, as no other right would have any value and utility without it. The ambit of Article 21 is based on reasonability, non-arbitrariness and the norms of natural justice. Many rights have advanced to date through the interpretation of the Hon'ble Supreme Court in various cases. However, as the scope of application of Article 21 broadened, various obstacles also emerged to the effective implementation of these rights on a practical level. Therefore, in order to meet the current challenging conditions of the society and to fulfill the dynamic aspirations of the society, the judicial device or the legislature would have to introduce new aspects related to Article 21 periodically.