

EXPANDING DIMENSIONS OF RIGHT TO LIFE UNDER CONSTITUTION OF INDIA

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A country is recognised by the laws it governs the powers duties and rights its citizens sustain, different countries have different thoughts and opinions in pertaining to legal access and each country either works in a democratic spirit or vice versa. And the definition of laws rules or powers rights as well as duties is defined in constitution. it is basically a written instrument which governs entire country as a whole it not only determine the authorities responsibilities but also the fundamental access to the rights to its citizens where we the people of India would have an access to use the rights given by this fundamental block .

India 's constitution is a foundation of all the laws persisting in the country , rules as well as regulation along with the combination of rights what makes us to be known as “ we the people of India. “ This constitution has extra ordinary features and it is the longest of all the countries having this instrument which actually govern it through keeping in view the social, political cultural dimension of the country as a whole. Part 3 of the constitution defines the fundamental rights of the citizen of India where the term fundamental refers to some important and basic rights where individual has its own access, they are basically access to moral, financial ethically and spiritual values of this diversification country .these rights basically helps in removing the in equalities or untouchably and even to overcome the social stigmas of the country.

In this part 3 of constitution there are 6 fundamental rights which are given to the citizens of the country which include right to equality , freedom of choice , freedom of religion , freedom of life , freedom against exploitation ,cultural and constitutional remedies and these rights are not absolute in nature basically there are reasonable restrictions which are imposed however the citizens to enjoy their complete rights fundamental duties have been added so complete protection and they should be well aware about these duties correlative to rights .

“Life should be grate rather than long “– B.R. AMBEDKAR.

This research paper will include the not only the fundamental right of life but also its dimensions along with expanding the dimensions. It is important to understand what actually this right to life associates where is define its role and its essences in Indian society.

As per article 21 of the Indian constitution it states “Protection of Life and Personal Liberty: No person shall be deprived of his life or personal liberty except according to procedure established by law.” This article revolves around two basic aspects which states right to life and personal liberty of the citizens or people. Where the term life means not only the term survival but also it indicates that it has be good in terms of living not only just a means of surviving in the country but with some dignity. Personal liberty is the old concept which states freedom from all sorts of exploitation or any harassment in any form of government

assuring the freedom of speech and expression and from any coercion or physical restraint not authorized by law. This fundamental right is given to the citizens or people of India not applicable to non-citizens, if an act of private individual amounts to encroachment upon the personal liberty or deprivation of life of other person, such violation would not fall under the parameters set for the Article 21. In such a case the remedy for aggrieved person would be either under Article 226 of the constitution or under general law. But, where an act of private individual supported by the state infringes the personal liberty or life of another person, the act will certainly come under the ambit of Article 21 of the Constitution of life of a 'person'. The term person does include citizens as well as non-citizens.

In the case of **Munn v. State of Illinois**, 94 U.S. 113 (1876)¹ the US Court referred to the observation of Justice Field, wherein he stated that by the term 'life' as here used something more is meant than a mere animal existence. Thus, it embraces within itself not only the physical existence but also the quality of life. It was the first case on the definition of word 'LIFE'.²

This article is one of the most important element and part of Indian constitution and this include various other aspects in the ambit of the constitution as per the supreme court it states that this article is basically the heart and soul of the Indian constitution . Its main goal is freedom of life and personal liberty even when it is taken away then by the state then it is important that it has prescribed by the law itself.

ARTICLE 21 FREEDOM OF LIFE AND PERSONAL LIBERTY INCLUDES:



Right to privacy, Right to go abroad, Right to shelter

Right against solitary confinement, Right to social justice and economic empowerment, Right against handcuffing, Right against custodial death

Right against delayed execution, Doctors' assistant, Right against public hanging, Protection of cultural heritage, Right to pollution-free water and air, Right of every child to a full development, Right to health and medical aid

Right to education, Protection of under-trials

The ambit of article 21 is broader in a sense that it includes every good aspect of living and survival which actually sustain the individual or the citizens of the country it seems to be an important aspect that a two line article with such great words tends to extend the scope of the individual freedom and liberty as well but few exceptions as well. However this process of widening the concept takes a lot of judicial interpretation and the is taken into consideration after various land mark judgment where article 21 helps in the development of the society one such important case of **AK GOPALAN VS STATE OF MADRAS** held the field for almost three decades, i.e., 1950 to 1977. This case settled two major in points in relation to Art. 21. One, Arts. 19, 21 and 22 are mutually exclusive and independent of each other. Two, a law affecting life or personal liberty of a person could not be declared unconstitutional merely because it lacked natural justice or due process. The legislature was free to lay down any procedure for this purpose. As interpreted in **A.K. Gopalan**, Art. 21 provided no protection or immunity against competent legislative action. Art. 21 gave a carte blanche to a

¹ <https://indiankanoon.org/doc/1199182/>

² <https://www.constitutionofindia.net/constitution-of-india/fundamental-rights/articles/Article%2021>

legislature to enact a law or to provide for arrest of a person without much procedural safeguards. It gave final say to the legislature to determine what was going to be procedure to curtail the personal liberty of a person in a given situation and what procedural safeguards he would enjoy. The Supreme Court de linked Art. 19 from Art. 21 and 22. This view led to bizarre decision at that time. It was because of this view that in the case of Ram Singh v. Delhi. A person was detained under Preventive detention Act for making speeches prejudicial to the maintenance of public order, the court refused to assess the validity of detection order with reference to Art.19 (1) (a) read with Arti.19(2) stating that even if right under Art. 19(1)(a) was abridged, the validity of preventive detention order could not be considered with reference to Art.19(2) because of the Gopalan ruling that legislation authorizing deprivation of personal liberty and did not fall under Art.19 and its validity was not to be judged by the criteria in Art.19. Though, in course of time this rigid view came to be softened and the beginning of the new trend was to be found in R.C. Cooper v. Union of India, also popularly known as Bank Nationalization case, the Supreme Court applied Art.19(1) (f) to a law enacted under Art.31(2), to view the validity of the law. Before this case these two articles where considered mutually exclusive of each other. This case had such an impact on the view of the Supreme Court regarding the mutually exclusiveness of fundamental rights. That in the case of Sambhu Nath Sarkar v. State of West Bengal Supreme Court recognized the force of this logic that the bench said that the approach of the court in the Bank Nationalization case had held majority of A.K. Gopalan case was incorrect, this completely knocked out the Court's earlier argument in Gopalan³. One of the land mark case related to article 21 illustrating the concept of right to privacy

People's Union of Civil Liberties vs. Union of India and Anr. On 18 December, 1996⁴

The right to privacy-by itself-has not been identified under the Constitution. As a concept it may be too broad and moralistic to define it judicially. Whether right to privacy can be claimed or has been infringed in a given case would depend on the facts of the said case. But the right to hold a telephone conversation in the privacy of one's home or office without interference can certainly be claimed as "right to privacy". Conversations on the telephone are often of an intimate and confidential character. Telephone-conversation is a part of modern man's life. It is considered so important that more and more people are carrying mobile telephone instruments in their pockets. Telephone conversation is an important facet of a man's private life. Right to privacy would certainly include telephone-conversation in the privacy of one's home or office. Telephone-tapping would, thus, infract Article 21 21, of the Constitution of India unless it is permitted under the procedure established by law.

One of the most important ambits covered by article 21 which is the need of an hour is RIGHT TO ENVIRONMENT⁵: Apart from several personal rights, the Supreme Court has made a significant contribution to the welfare of the people by using Art.21 for the improvement of the environment. In **Subhash Kumar v. State of Bihar**, the Apex Court held that enjoyment of pollution free environment is

³<http://www.legalservicesindia.com/law/article/1105/10/Judicial-Interpretation-in-Right-to-Life-Personal-Liberty-Under-Article-21-of-Indian-Constitution>

⁴<https://indiankanoon.org/doc/1199182/>

⁵ <http://www.legalservicesindia.com/law/article/1105/10/Judicial-Interpretation-in-Right-to-Life-and-Personal-Liberty-Under-Article-21-of-Indian-Constitution>

included in the right to life under Art.21. Also in the case of **A.P. Pollution Control Board v. M.V.Nayudu**, the Supreme Court has made very valuable suggestions for the improvement of adjudicatory machinery under the various environmental laws. The Supreme Court has accepted the doctrine of public trust which rests on the premise that certain natural resources like air, sea, water are means for general use and cannot be restricted to private ownership. The state is a trustee, and general public is a beneficiary to such resources.

The right to life enshrined in Art.21 has been liberally interpreted so as to mean something more than survival and mere animal existence or animal existence. It therefore includes all those aspects of life which go to make a man's life meaningful. Art.21 is to be read not only with directive principles but also of fundamental duties.

Thus this new trend and broader concept went through list of change recently it is seen that even if the provision of the constitution tends to provide the rights to the individual they aren't aware about the duties, roles and even their own essence of living however increasing the expansion and making people aware the freedom they have it would lead to the proper working of laws. As strength of the Indian constitution is that the interpretation and amendment of certain articles because of the dynamic environment where the democracy plays the role of interpretation and what is actually right or wrong and then amending the same.

Where the right to freedom of life or personal liberty plays an important role in a sense that it will include every aspect of a human being which is required to be a part of this Indian society it will also ensure free trials, education, dignity and many other aspects these fundamental rights. The expansion of the article gave an idealistic approach to the Indian society so to work accordingly it not only ensure the shelter but right to privacy trial and other aspects which are covered under the aspect of the article 21 but during recent times it is important to understand that poverty, lack of awareness, education leads to the no use of these powerful elements of our constitution it is way too important to understand these roles as well other wise will be no use of such grant of fundamental.

CONCLUSION

It is brightly said that every law has its remedy or the way out where an individual can safeguard himself. When we consider article 21 as a fundamental right the acknowledgement of the concept is that it will include every possible aspect of an individual requires the survival on this earth. This dimension nearly covers every bit of a person living to earning and even to education however people sooner or later might be considering it as a human right, since everything is based on humanitarian ground. It is important to individual consider when to use it as a part of right and when not to use it.

Thus, individual needs to be well acknowledge about rights sustaining and when to use it as rigid the ambient won't lead the best use of existence but expansion requires the interpretation of judiciary or law makers to grant to the citizens or allowing the access of the fundamental right.