

# Protection of Life and Personal Liberty under the Constitution of India

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**ABSTRACT:** *India's Constitution is the ultimate law of the country. That is the system within which all other rules are laid down. In India, the Constitution specifies the constitutional values, processes and laws that regulate the powers and obligations of the government and the various agencies of the Centre and the States with certainty. It also points out the people's rights and duties against the country. It is important to note that India's Constitution is the world's longest written Constitution and consists of 22 sections, 12 timetables and 5 appendices. In its method and presentation, the Constitution of India is novel. The huge and complex nation of India has various facets and challenges to be taken care of. It is the citizens who are most important in a modern, democratic republic such as India and it is the responsibility of the legislatures to ensure that the legislation protects every citizen equally, regardless of any classification such as caste, colour or creed.*

**KEYWORDS:** Article 21; Constitution; Fundamental; India; Life; Liberty; Personal; Protection; Right.

## INTRODUCTION

Six basic rights for the people of India are given by the Constitution of India. One of the constitutional rights that requires a person to live his life independently without any intervention is the right to life and personal liberty. While this right was not completely interpreted, the scope of this right has intensified with judicial changes and is now on the road of intensification. By way of being human, the right to life and personal liberty is not only a constitutional right, but a right that allows human beings to get through a life that is distinct from mere animal nature. The right to life and personal liberty is protected by Article 21 of the Indian Constitution[1].

If we accept the old view given in the case of Gopalan, we have concluded that the Supreme Court has held that Article 19 does not apply and is not relevant to Article 21. Article 19 lays down the six basic freedoms of the person and the limits which they may be subject to. In the other hand, Article 21 allows the State, in compliance with the process provided for by statute, to deprive a citizen of his right to life and personal liberty. In the case of Gopalan, the majority held the opinion that as long as every preventive detention statute meets the requirements of Article 22, the requirements of Article 19 need not be met[1].

In the case of Maneka Gandhi, the Court overruled the majority view held in the case of Gopalan and specifically claimed that Article 21 is wholly relevant to Article 19, as it also derives its substance from Article 19. Article 21 does not exempt Article 19, and if any statute deprives a citizen of his or her right to life and personal liberty, that law must also stand the test of Article 21 along with the test of Articles 19 and 14[2].

Except in compliance with the process defined by statute will the life and personal liberty of a person be deprived. The process defined by the statute applies to the law properly passed by the law. The executive has no power to deprive a person of this privilege. Instead of the 'due process of law' which is used in the American Constitution, the drafters of the Indian Constitution used the words 'mechanism defined by law'[2].

The appellant claimed in A. K. Gopalan v. State of Madras, that the term "procedure established by law" was identical with the American Constitution's expression "due process by law." It was argued that the Indian Constitution offers the same protection as the American Constitution, with the exception that the 'due process' provision protects both substantive and procedural law, while the 'law-established procedure' provides procedural law protection[3].

But this point was not supported by the Supreme Court and it held that both terms did not mean the same thing. The more precise "procedure established by law" did not express in India the same sense as the "due process by law" provision apprehended in America, which is rather ambiguous[3].

In the case of Gopalan, the petitioner argued that the term 'rule' in Article 21 not only encompasses the enacted piece of law but also includes the concept of natural justice and that any law which deprives a person of his or

her life and personal liberty without complying with the principle of natural justice could not be considered to be valid under Article 21. The court dismissed this claim and ruled that the term 'law' would cover, under Article 21, the laws passed by the Legislature and not any universal law embodying the concept of natural justice as understood by the U.S. Court[4].

For the fulfilment of the directive of Article 21, the mere prescribing of some kind of procedure is not necessary. Equal, fair and rational and not fanciful, arbitrary or restrictive must be the method prescribed by the statute. In any process defined by statute, the concept of natural justice must be implemented[4].

## DISCUSSION

While Article 21's phraseology begins with a negative expression, the word No has been used in contrast to the word deprived. The object of the fundamental right referred to in Article 21 is to prohibit the infringement of personal liberty and the deprivation of life, except in compliance with the process provided for by statute. This simply means that this constitutional right has only been given to the state. If an act of a private citizen is a violation of another person's personal rights or loss of life. Such a breach does not come under the requirements laid down in Article 21[5].

In such a situation, either pursuant to Article 226 of the Constitution or pursuant to common law, the relief for the aggrieved party will be. However, if an act of a private citizen sponsored by a State infringes the personal liberty or life of another person, the act will undoubtedly fall within the meaning of Article 21. Article 21 of the Constitution deals with the prohibition of an infringement of personal liberty or with the deprivation of a person's life[5].

It is not possible to define the state in a restricted sense. It includes departments of government, legislature, administration, local authorities exercising statutory powers, etc., but it does not include non-statutory or private entities that do not have statutory powers. Companies, autonomous bodies and others, for example. The fundamental right granted pursuant to Article 21 therefore extends only to actions of the State or to acts under the jurisdiction of the State which do not conform with the process laid down by statute. The key purpose of Article 21 is that the process laid down by statute must be strictly enforced before a citizen is stripped of his life or personal liberty by the State[6].

The right to life is the right to live a life that is important, complete and dignified. It has no restricted meaning. It is much other than surviving or animal life. It is not possible to narrow down the definition of the word life and it will not only be open to any resident of the world. As far as personal liberty is concerned, it implies freedom from personal detention or otherwise from the physical restriction of an individual and contains all sorts of protections other than those provided for in Article 19 of the Constitution. The process provided for by statute applies to the law passed by the Legislature. Deprived under the Constitution also has a broad variety of interpretations[6].

The soul of this provision is these ingredients. The fundamental right provided for in Article 21 is one of the most important rights granted by the Constitution, which has been described by the Apex Court as the core of fundamental rights[7].

'Everyone has the right to life, liberty and individual security.' Of all rights, the right to life is certainly the most important. All other rights bring quality to the life in question and depend for their function on the pre-existence of life itself. As human rights can only be attached to living creatures, the right to life itself may be expected to be paramount in any way, because without it, none of the other rights would have any meaning or use. If Article 21 had been understood in its original context, there would have been no Constitutional Rights worth noting. The right to life, as interpreted and enforced by the Supreme Court of India, will be discussed in this section[7].

Article 21 of the Constitution of India, 1950, states that 'No citizen shall be deprived of his or her life or personal liberty except in accordance with the process laid down by statute.' Article 21 of the Constitution specifies that 'life' is not merely a physical act of breathing. It does not mean the mere presence of animals or continued drudgery through life. It has a much larger scope, including the right to live with human dignity, the right to live, the right to health, the right to breathe free from pollution, etc.[8]

The right to life is central to our very being, without which we cannot survive as a human being, and entails all those facets of life that make the life of a man significant, complete, and worth living. In the Constitution, it is the only clause that has obtained the widest possible reading. So many rights have been created under the

canopy of Article 21: shelter, development, and nourishment. Thus, the fundamental principle of the right to life is the bare necessities, minimal and fundamental conditions that are necessary and inevitable for an individual[8].

In the case of Kharak Singh, which resulted from the appeal to the Constitutional legitimacy of the U., the Supreme Court found the sense of the word 'personal rights'. P. Police laws that allow for supervision by means of house visits and covert picketing. Oddly enough, in *Munn v Illinois*, the majority and minority on the bench depended on the sense granted to the word "personal freedom" by an American opinion (per Field, J.), which held that the term "life" implied more than just animal nature. The ban against its deprivation applied to all the borders and faculties enjoyed by life[9].

Similarly, this clause prevented the mutilation of the body or the amputation of the arm or leg or the placing of the eye or the removal of any other part of the body by which the outside world was transmitted by the mind. The majority maintained that the U. P. P. Police Laws requiring domiciliary visits [at night as a means of observation by police officers] represented a violation of liberty and were thus unconstitutional. The Court observed that, in the Indian Constitution, the right to personal liberty is an individual's right to be free from limitations or infringements on his body, whether directly or indirectly enforced by calculated steps[10].

### CONCLUSION & IMPLICATION

It can be inferred that the right to life and personal liberty is an inalienable right which, by virtue of being human, is not only protected by the Indian Constitution. This separates the life of a human being from that of an animal. There is also no absolute definition of the meaning of Article 21. The courts aim to extend the meaning and implementation of Article 21 by scrutinizing each and every part of it such that no citizens' rights may be infringed.

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