

Article 21 of Indian Constitution

[UPSC Notes]

What is Article 21 of Indian Constitution?

Unquestionably, the most fundamental of all rights is the right to life Article 21. The existence of life itself is necessary for the operation of all other rights, which enhance the standard of living in consideration. One may anticipate that the right to life itself would be in some ways essential because without it, none of the other rights would have any meaning or utility as human rights can only relate to living things.

- If Article 21 had been interpreted in its original context, there wouldn't have been any Fundamental Rights worth noting. This Section will look at how the Indian Supreme Court has interpreted and applied the right to life.

Article 21 of the Constitution defines "life" as more than simply breathing. It does not imply continual labour or a life of mere animal existence.

- It covers a far wider range of issues, such as the right to a decent standard of living, the right to a means of support, the right to health, the right to clean air, etc.
- The right to life encompasses all those elements of life that give a man's life purpose, fulfilment, and value because it is essential to our basic existence and without which we cannot live as humans.
- It is the only Article of the Constitution that has been interpreted as broadly as possible.

Thus, from the fundamental concept of the right to life, the bare necessities, minimum, and basic requirements for an individual.

Interpretation of Article 21

Right to live with human dignity

The right to life must include the right to the bare fundamentals of life, including proper nourishment, clothing, and shelter over one's head, as well as access to facilities for reading, writing, and expressing oneself in a variety of ways, as well as the freedom to move around and interact freely with other people. The right to life must also include the right to the bare essentials of life, as well as the right to carry out activities and responsibilities.

Right to reputation

In the same way that the right to life and personal liberty, and property was protected by the Constitution, good reputation is also a component of personal security. The Constitution upholds the notion that the right to enjoy one's individual reputation has an ancient legacy and is essential to human society.

Right to livelihood

The scope of the right to life guaranteed by Article 21 is extensive. It does not merely imply that life cannot be taken away or put to death, as would be the case with the pronouncement and execution of a death penalty, unless done so in accordance with the legal process. There are many different facets to the right to life. The right to a livelihood is a component of the right to life that is equally crucial because no one can survive without it.

Right to shelter

For an animal, it serves only as basic body protection; for a human, it must be a comfortable setting that will allow him to develop physically, mentally, and cognitively. The Constitution aspires to ensure that every kid develops to their greatest potential. Only if the youngster is living in a suitable family would that be conceivable. A decent home, especially for people in India, can even be a thatched house made of mud or a mud-built fireproof housing. It is not required to guarantee that every citizen lives in a well-built, comfortable house.

Right to social security and protection of family

The rights to life, human dignity, and position without means were merely symbolic. As a result, socio-economic rights were fundamental goals for what it meant to have a right to life, and a right to social security and family protection was an essential element of that right.

Right to health and medical care

The state must give workers access to facilities and opportunities that will allow them to achieve a basic standard of health, financial stability, and civilised living in order to uphold social justice, which is a mechanism to ensure that life is fulfilling and desirable with human dignity. According to the Supreme Court, a crucial component of the right to life is the health and vitality of the worker. Denying it deprives the labourers of life's finer aspects, violating Article 21.

Right to get pollution-free water and air

According to Article 21 of the Constitution, the right to life includes the pleasure of clean water and air for the full satisfaction of life. A citizen has the right to use Article 32 of the Constitution to address water or air pollution that may be harmful to one's quality of life if it threatens or affects that quality of life in violation of the law. Article 21 of the constitution guarantees the right to get pollution-free water and air.

Right to clean environment

According to Article 21, the "Right to Life" refers to a life with dignity that is lived in a suitable environment free from the risks of sickness and infection. As they negatively impact people's quality of life and amount to gradual poisoning if dangers aren't controlled, maintaining health, safeguarding cleanliness, and environmental protection have been deemed to be under the jurisdiction of Article 21.

Right to Information

Article 21 includes the right to information. Information access is crucial for equitable growth, empowering citizens, and democratic society. The right to access and seek information is a precondition for transparency, openness, and accountability in the management and operation of a democratic government.

Right to personal liberty

The Indian Supreme Court has rejected the notion that liberty just refers to freedom from physical restraint and stated that it includes those rights and benefits that have long been acknowledged as necessary for the lawful pursuit of contentment and happiness by free citizens.

Right to Education

The Constitution (Eighty-sixth Amendment) Act of 2002 amended Article 21-A into the Indian Constitution to offer free and compulsory education to all children aged six to fourteen years as a [Fundamental Right](#) in the ways determined by legislation by the State. The Right of Children to Free and Compulsory Education (RTE) Act of 2009, which reflects the consequential legislation proposed by Article 21-A, states that every child is entitled to full-time elementary education of decent and fair value in a proper school that meets certain crucial norms and guidelines.

Right to privacy

The right to personal liberty includes the freedom from limits placed on one's movements as well as the freedom from intrusions into one's privacy. Although the right

to privacy is not explicitly stated as a fundamental right in our Constitution, it is a crucial component of human liberty.

Woman's right to make the productive choices

The right of a woman to govern her reproductive decisions includes the ability to decline sexual engagement or to insist on taking contraceptive techniques, such as getting sterilised. The right of a woman to carry a pregnancy to term, give birth, and thereafter raise children.

Right against illegal detention

A person who has been arrested and is being held in custody has the right, upon request, to have a friend, relative, or other person informed of his arrest and where he is being held, as far as is reasonably possible. When the arrested person is escorted to the police station, the police officer must tell him of this privilege. The person who received notice of the arrest must be noted in the logbook.

Right against sexual harassment in the workplace

There is no denying that every instance of sexual harassment at work violates the two most important fundamental rights guaranteed by the Indian Constitution—the right to gender equality and the right to life and liberty.

Prisoners' Rights

These include:

- Right to free legal aid and the right to appeal
- Right to a speedy trial
- Right to a fair trial
- Right to bail
- Right against handcuffing
- Right against solitary confinement
- Right against custodial violence
- Right against public hanging
- Right against delayed execution

De-criminalisation of Suicide

Section 115(1) of the Mental Healthcare Act 2017 states that any individual who attempts suicide is believed to have extreme stress, until established otherwise, and cannot be tried or penalised under the code. The Act considers a suicide attempter to

be a victim of circumstances rather than a culprit. The Supreme Court ruled that Section 115, which establishes a presumption of extreme stress, affects Section 309.

Euthanasia in India

The Supreme Court legalised passive euthanasia in 2018 by withdrawing life support from people in a permanent vegetative condition.

Types of Euthanasia

- Passive Euthanasia is the discontinuation of treatment for the terminally sick person, i.e., the withdrawal of necessary requirements for the life to go on.
- Active euthanasia is when a doctor deliberately intervenes to end someone's life by using fatal substances. This is not the same as physician-assisted suicide, in which the patient delivers the lethal medications to themselves. A doctor administers the medications in active euthanasia.
- Voluntary euthanasia is a type of euthanasia that is performed with the patient's agreement.
- Non-voluntary euthanasia is the one that occurs when patients are unable to give consent (due to unconsciousness or serious brain damage), and another person makes the choice on their behalf.
- Involuntary euthanasia happens when euthanasia is performed against the patient's consent, it is termed murder.