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The Widened Scope and Ambit of Right to Life and Liberty

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Abstract

A moral principle known as the Right to Life is predicated on the notion that the right to life is inherent in every human being and cannot be restricted by any entity, including the state. It stands as a Fundamental right much interpreted by the Supreme Court, adding new meanings, expanded content and connotations in the passage of time. The right to life was redefined by the Supreme Court to encompass the concept of human dignity. The law places a great value on a man's liberty, and it should not be restricted unless absolutely necessary. Article 21 of the Indian Constitution guarantees "the right to life and liberty". Article 21 addresses the protection of life and personal liberty as a fundamental right. No one may be deprived of these unless the legal process is followed. In a democratic society, "the Right to Life and Liberty" is a fundamental constitutional principle.

Keywords; Life and liberty, Procedure, Democratic, Animal existence, Physical existence, Deprivation of life, curtailed, The Constitution of India, Fundamental right.

INTRODUCTION

Background

"The Right to Life and Liberty" is a principle of fundamental constitutional importance in a democratic society like India. "The constitutional guarantee of the right to life and liberty" stipulates that no individual may be deprived of their life unless the legal procedure is adhered to. This suggests that everyone has a right to life, which may only be violated in accordance with established legal procedures. The right to life incorporates a number of different aspects, such as "the right to live with dignity, the right to a healthy environment, and the right to a livelihood". "Article 21" also protects an individual's right to personal liberty. It states that until the legal process is followed, no one's personal freedom may be restricted. Examples of personal liberty include "the freedom to travel, the ability to choose where to live, and the freedom to pursue any lawful vocation". "Article 21, right to life and liberty", is the procedural Magna Carta that protects these rights (2). Arbitrary or illegal detention is also prohibited by Article 21. It guarantees that no one may be imprisoned without a valid reason or fair process. It protects people from being wrongfully deprived of their freedom and safeguards against arbitrary arrest. "The right to a fair and impartial trial", which includes the right to legal counsel, the right to be heard, and the ability to submit evidence in their defense, is also included. "The right to food and water" is part of the right to life. It covers the rights to housing, healthcare, education, and a respectable environment.

THE MEANING OF THE TERM LIFE AND LIBERTY UNDER ARTICLE 21

Article 21's definition of life encompasses more than only a physical or animal existence. The right to life includes "the right to live with human dignity". The right to life encompasses everything that has an impact on living. More than just animal existence, life implies something. All of the limbs and abilities that allow one to enjoy life are included in the inhibition against deprivation of life. The freedom of the body is only one aspect of personal liberty.

The concept of personal liberty in Article 21 is of the highest amplitude, and it includes a variety of "rights that constitute the personal liberty of man". Article 21 guarantees the dignity of every citizen's enjoyment of life. Upon examining this fundamental right in the context of human development, it is evident that "self-determination of gender is a fundamental aspect of personal autonomy and self-expression". Consequently, it is classified as a protected category of personal liberty under Article 21.

THE NEW INTERPRETATION OF THE RIGHT TO LIFE AND PERSONAL LIBERTY MADE IN A.K GOPALAN Vs STATE OF MADRAS (1950)

Crucial cases to comprehend the fundamental development of "Article 21 of the Indian Constitution"

The terms "life" and "personal liberty" allude to a wide spectrum of people's rights since the courts have interpreted Article 21 differently throughout time. The numerous facets of this Fundamental Right will be looked at in this section. However, it is imperative to first analyze the jurisprudential evolution of this concept and the significance of the most renowned judgments that pertain to it.

A.K. Gopalan v. State of Madras (1950): Prevention Detention

Facts

The petitioner, a communist leader, was detained under "the Preventive Detention Act of 1950" in this case. He claimed that the detention was illegal because it infringed upon "his freedom of movement, which is guaranteed by Article 19(1)(d) of the Indian Constitution," and thus violated his personal liberty, as stated in Article 21, since freedom of movement is a part of an individual's personal liberty.

Judgement

According to the court, personal liberty excluded the rights outlined in Article 19(1) since it implied freedom of the physical body. The freedom to travel was therefore seen as a relatively minor right that was not included in one's "personal liberty", but other rights, such as "the freedom to sleep, eat, and so on", were seen to be included in personal liberty.

According to the process outlined in the applicable legislation, a person may be deprived of their life or personal liberty. According to the decision in the previously mentioned landmark case, taking away his life or personal liberty

- There must be a law.
- A procedure should be laid down.
- When taking away someone's life or personal liberty, the executive should adhere to this procedure.

The procedure outlined in the Act was what the court was concerned with; whether it was reasonable, fair, or in accordance with natural justice principles was not. In Article 21, the Supreme Court determined that the phrase "procedure established by law" exclusively denotes the procedure that has been legislatively adopted. (4)

Legal positivism reached its zenith with the Supreme Court's ruling in "the A. K. Gopalan Case". The ruling given in this landmark case settled two major points.

- "Articles 19, 21, and 22" were independent of each other and mutually exclusive. A law affecting personal liberty would fall under Article 21, not Article 19.
- Simply because a law lacks natural justice or due procedure, it may be deemed unconstitutional if it affects life or personal liberty.
- No immunity or protection against the appropriate legislative action was offered under "Article 21".
- Article 21 provided safeguard against arbitrary or dictatorial executive action.
- Article 226 or 32 might be used right away by anybody whose life or personal liberty had been threatened in a way that was not in conformity with the law and procedure. A individual whose personal liberty had been restricted in violation of the law may therefore be guaranteed a quick and efficient remedy.

The Supreme Court here held a conservative view of "the right to life". "The right to live" extends only as much as allowed by the Parliament. The above conservative view of "the right to life" continued for a long 28 years till the new meaning was given by "the apex court in the Maneka Gandhi case in 1978".

According to the above ruling, the Supreme Court clearly stated that the protection given under Article 21 is a protection against the executive. Article 21 did not protect the right to personal liberty against the legislature. (5)

The A.K. Gopalan case clearly came to the following conclusions:

- Article 19 does not apply when personal liberty is involved. Article 21 alone applies.

- Personal liberty is not protected against unreasonable law; only law should be there.
- There was no personal liberty quo legislature.
- No personal liberty is protected once the law is there.
- No law can be declared contrary to Article 21.
- The term "personal liberty" refers to the freedom of the body, which includes freedom from fraudulent detention and arrest.
- The law here means only the state-made law, thereby keeping liberty narrowly defined

The Supreme Court redefined the right to life: In Maneka Gandhi v. Union of India (1978):

Facts

Due to "the Central Government's" decision to seize the petitioner's recently issued passport "in public interest" in accordance with the Passport Act of 1967, the petitioner, in this case, was given a 7-day deadline by the Regional Government Office, Delhi. When requested for a comment, the government stated that it was unable to provide a copy of the reasons for the impoundment in the interest of the general public. The petitioner submitted a writ petition that contested "the Government's decision to impound", in which she was denied the right to defend herself and was not provided with an explanation.

Judgement

The right to travel and leave the nation must be part of "the Right to Personal Liberty," according to the Honourable Supreme Court. It was stated that the definition of "personal liberty" in Article 21 was the most comprehensive and incorporated a variety of liberties related to an individual's personal liberty. Consequently, the meaning of personal liberty was broadened to include all of the rights established in Article 21 and any other rights that pertain to "an individual's personal freedom". A procedure set down by law, which had to be "fair, just, and reasonable, not fanciful, oppressive, or arbitrary," could only limit such a privilege. The Supreme Court decided that "Articles 19(1) and 21" are not incompatible since the "Right to Life and Personal Liberty" includes a variety of rights, some of which have been given specific protection by Article 19(1).

Because Article 19 and Article 21 are closely interwoven, the procedure established by law to limit these rights should be scrutinized in the same way as other sections of "the Constitution, including Article 14". As a result, a law that violates someone's personal freedom must satisfy both "Article 21 and Articles 14 and 19 of the Constitution". Because of this, three of these rights are

connected and provide protection from the arbitrary actions of the government. They should be read in tandem and understood in a way that makes sense. The three of them are referred to as the "Golden Triangle in jurisprudence" since they all grant citizens essential freedoms and rights.

IMPACT OF MANEKA GANDHI CASE IN WIDENING THE SCOPE OF ARTICLE 21

Once the context of Article 21 has been explained, it is important to understand the wide variety of rights and advantages that this one right, according to its present formulation, embraces. To examine the various facets of "the right to Life and Personal Liberty", this section examines various case laws.

Right to live with human dignity

Guaranteeing an individual's right to live is insufficient. Since respect and dignity are crucial elements of life, each person has been granted "the right to live with dignity," which includes both sovereignty over one's own choices and access to the necessities of human existence.

The "protection of personal liberty" has received particular consideration from "the Supreme Court". The apex court made a highly creative judicial pronouncement by "a broader & broader interpretation of Article 21". The term "personal liberty" has the greatest amplitude, including a wide range of rights.

The term's expansion encompassed "the right to life and liberty", which is a component of "Article 21". This right includes the freedom to travel abroad. The Supreme Court ruled that Articles 14, 19, and 21 support, strengthen, and nurture one another rather than being mutually incompatible.

In this context, "life" refers to more than only animal existence. The safeguarding of the right to life under Article 21 includes both "bodily existence and quality of life". The scope of Article 21 has now become quite activist.

The law places a high value on a man's liberty, and it is prohibited from being obstructed or prevented unless absolutely necessary.

THE POST MANEKA DECISIONS HELD BY THE SUPREME COURT GIVEN EXPANDED MEANING TO THE CONTENT AND CONNOTATIONS OF ARTICLE 21.

As a consequence of the revised interpretation of Article 21, the court was able to integrate the following rights as essential components of Article 21 in subsequent years:

I The Right to a clean and healthy environment

In the Subhash Kumar case, the court upheld that the right to clean water and air is a component of "the Fundamental Right to Life" and that a person may petition the court if the quality of these resources is in danger (5).

The "court in Rural Litigation and Entitlement, Kendra", permitted only a small number of mines to continue operating, while all others that were causing injury were closed. Restoration efforts were undertaken when the Valley was designated as an environmentally sensitive region. Most significantly, "the Environment Protection Act of 1986" was passed as a result of this lawsuit. (6)

II The right to privacy

The Supreme Court affirmed the legitimacy of the Aadhar card in the K.S. Puttaswamy case (7) and found that the data gathered, including biometric information, did not breach private rights. The court interpreted Article 21—the right to life—in a dynamic way.

III The right to education

The Supreme Court in the Unnikrishnan case (8) established education as a Fundamental right to promote the all-around personality development of a child, extending the right to life, not a mere existence, but a quality living

IV The right against sexual harassment of women

The apex court in the Vishaka Case (9) established the workplace safety guidelines, reducing gender based economic vulnerabilities and putting working women in a better work environment to ensure a more meaningful right to life

V The right of undertrials

The Supreme Court saw undertrials' rights as an essential part of their right to life in "the Hussinara Khaton case (10)".

VI The right to livelihood

The apex court never missed many opportunities in expanding the right to life to such an extent as to include in its ambit the right to livelihood. In the Oliga Tellis case (11), the court recognised the right to livelihood under Article 21, balancing individual and public interest.

VII The right to basic necessities

In the Francis Coralie Mullin Case (12), the Supreme Court linked Article 21 to necessities like food & shelter to bring a better life to thousands who are living in utter poverty, even in the metropolitan cities lacking the necessities like food and shelter

VIII The right to life with more equality in status with women in other religions

In the Shayara Bano case (13), the Supreme Court imposed a ban on the practice of triple talaq to ensure that Muslim married women get the same status as the married women of other religions in matters like divorce. alimony etc. The ban on triple talaq brought a new meaning to the right to life, ensuring a better quality of life to Muslim women, as their counterparts in the other religion did.

IX The right to food

In "the People's Union for Civil Liberties case (14), the Supreme Court" ordered the Government to enact the Food Security Act and implement the right to food through the mid-day meal program, extending "the right to life" to the extent necessary to ensure a better life and providing the essential nutrients..

CONCLUSION

The moral precept that every person has "the right to life and that no one, not even the government", can limit that right is the foundation of the right to life. The right to food, housing, and clean drinking water are all included in the right to life. It also stands for a decent and healthy environment. It ensures that not a mere animal existence stands for a more meaningful life with better education and better medical care.

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