



STUDY THE REACH OF ARTICLE 21 UNDER THE INDIAN CONSTITUTION

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ABSTRACT

The constitution of the nation makes up the supreme law of the land. Overriding the Constitution is not possible for a legislation. Defending the Constitution is the responsibility of the Supreme Court. There have been instances in which the Supreme Court has provided a wide reading of the Constitution. Section III of the Constitution, which is considered to be the most important portion in the document, is where fundamental rights are discussed. Among the many fundamental rights that are guaranteed by Article 21, the protection of one's life and personal liberty is among the most important. Due to the expansive nature of the right to life, the interpretation that the court provides incorporates a variety of other rights. Additional notable interpretations of the right to personal liberty have been made by the courts. Article 21 is applicable to a more extensive range of situations as a result of constitutional legislation. It is possible to violate the right to life and liberty if there is a legal procedure in place; nevertheless, the approach must be fair, equitable, and reasonable in order to be considered legitimate. In accordance with Article 21 of the Constitution, it is the responsibility of the state to protect the rights of individuals to continue living and to have personal liberty.

INTRODUCTION

The Constitution of India will always be considered the supreme legislation of the country. Every piece of law in India is required to be in accordance with the constitution of the nation. It is the responsibility of the Indian Supreme Court to protect the Constitution. If a legislation is found to be in violation of the Indian Constitution, the Supreme Court of India will declare it unconstitutional, regardless of whether it was approved by the Parliament or the State Legislative Assembly. Even if an independent political entity that has a specified territory is regarded to be a state according to international law, a sovereign state is still necessary to have a constitution. 1947's Indian Independence Act was the legislation that ultimately led to India's independence. The Constitution of the United States of America was submitted for approval on November 26, 1949, although it did not become operational until January 26, 1950. At the beginning of its existence, our Constitution consisted of 395 Articles, 22 Parts, and 8 Schedules. In spite of this, it has seen tremendous expansion over the course of time, and it now has a total of 448 Articles, 25, and 12 Schedules.

Definition of Constitution

According to the definition provided by Black's Law Dictionary, the Constitution of a nation or state is the organic and fundamental law of that country or state, regardless of whether it is written or unwritten. It is the law that establishes the nature and concept of that government, lays down the fundamental standards to which its internal affairs must adhere, organizes that government, and prescribes the scope and mode of the exercise of sovereign powers. The population that it rules is the source of all of the authority that is contained inside the constitution."Constitution" is defined by the well-known author Dr. J.N. Pandey as "implying

a document having a special legal sanctity which sets out the framework and principal functions of the organs of the Government of the state and declares the principles governing the operation of those organs," as stated in Wade and Philip's definition, which can be found in their book "Constitutional Law"².

Concept of Constitutional Law

In comparison to the term "Constitution," the phrase "Constitutional Law" is more comprehensive and accurate since it is a reality. Specifically, constitutional law is comprised of the Constitution itself, as well as relevant legislation, judicial decisions, and conventions. Constitutional law is a body of laws that outlines the basic rights of citizens as well as the roles, authority, and organizational structure of the legislative, executive, and judicial institutions of a state. Constitutional law is also known as the "foundational law." According to Black's Law Dictionary, constitutional law is the branch of state public law that deals with the structure and operation of government, the organs and powers of sovereignty, the allocation of political and governmental power and duties, the fundamental principles that govern the relationship between the state and its subjects, and the general framework and procedures that govern the management of state public affairs. In other words, constitutional law is the area of state public law that deals with all of these important aspects of state government.³ To put it more simply, constitutional law is the subfield of law science that investigates constitutions, including their formation, organization, and interpretation, as well as the legality of legislative activities based on whether or not they comply with fundamental legal principles.

Conception of Fundamental Right

There are three essential human rights: the right to life, the right to freedom, and the right to equality. The papers that belong to human rights may be classified into two distinct categories: (i) documents from the past and (ii) documents from the present day respectively. Among the historical texts pertaining to human rights are the Magna Carta Treaty, which was signed in 1215, the United States Constitution, which was written in 1787, the French Revolution, which took place in 1798, and the American Bill of Rights, which was written in 1791. The modern human rights document incorporates a wide range of documents, including the Universal Declaration of Human Rights (1948), the United Nations Charter (1945), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social, and Cultural Rights (1966), the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (1979), and the 1989 Convention on the Rights of the Child (1989), amongst many others.

The constitutionally protected basic rights are those essential human rights that have been established by the constitution. Basic rights are identified as the basic human rights that are recognized in the Indian Constitution. These rights are guaranteed to every single Indian citizen. The implementation of these policies does not take into account any criteria such as gender, race, or religion. Importantly, the courts have the authority to safeguard fundamental rights, provided that certain conditions are satisfied. There are six distinct categories of fundamental rights that are recognized by the Indian Constitution. These categories are as follows: Articles 14–18, 19–22, 23–24, 25–28, 29–30, and 32. These articles refer to the

Right to Equality, the Right to Freedom, the Right against Exploitation, the Right to Freedom of Religion, and the Right to Cultural and Educational Remedies.

An Analysis of Article 21

The right to life and personal liberty is considered to be one of the most fundamental and inalienable human rights, as stated in the articles of the constitutions of a number of countries, including the United States of America, Switzerland, India, and other countries.⁴ Despite the fact that it is not a comprehensive list, it includes a number of additional fundamental rights. In the past, these rights were construed in a very stringent manner, and they were restricted to the region that was contained inside the walls. Having said that, throughout the course of history, the combination of judicial activism and realist jurisprudence has been an essential factor in expanding the reach of Article 21 itself. Article 21 was the only provision in the Constitution that safeguarded the rights of individuals to life and personal liberty against the arbitrary actions of the executive branch prior to 1978. Nevertheless, the scope was broadened in the well-known case of *Maneka Gandhi v. Union of India*⁵, and as a consequence, Article 21 now safeguards the right to life and personal liberty against both the legislative and executive branches of government.

Article 21 stipulates that in order for an individual to be deprived of their life and personal freedom, each of the following conditions must be satisfied:

- There must be a law;
- There must be a method established by law;
- The procedure must be just, fair, and reasonable.⁶
- Article 21 has been broken down into three stages for the purpose of conducting an in-depth analysis:

The right to life, as well as the right to personal liberty, as well as the procedure that is established at the law

Right to Life: The right to life of a person entails more than simply their capacity to survive as an animal; it also includes their capacity to reach their full potential for development and their capacity to live with dignity. The Indian judicial system has been a significant contributor to the realization that the "right to life" is a concept that may be understood correctly. It has been acknowledged by the Honourable Judiciary that the following rights are included within the context of the right to life:

Right to Reputation: One of the components of the right to life is the right to one's reputation. In the case of *Lal Krishna Advani v. State of Bihar*⁷, it was determined that a person have the right to protect and uphold their reputation. If a person's reputation is harmed, then that person's "right to life" has also been violated.

Right to Livelihood: In *Olga Tellis v. Bombay Municipal Corporation*, After much deliberation, it was agreed that the "right to life" included the right to a livelihood. In a decision that was handed down by the Honorable Supreme Court, it was stated that it is against the law to forcefully remove those who live on the pavement without providing them with the right to defend themselves. A violation of their right to earn a livelihood is taking place. It was highly objected to by the court because the authorities treated those who lived on the pavement as if they were nothing more than ordinary trespassers.

Right to Live With Human Dignity: According to Article 21, the right to life encompasses more than merely the capacity to ensure one's own survival. In the case of *Bandhua Mukti Morcha v. Union of India*, it was shown that the right to life encompasses more than just the fundamental need for existence.⁹ The decision that was made in this particular case was that every single individual has the right to live their life with dignity. No matter how much money a person has, they are still considered to be another human being.

Right Against Sexual Harassment of Women at Workplace: In the landmark case of *Vishakhav v. State of Rajasthan*, the Supreme Court of India ruled that the interpretation of the constitutional guarantees of gender equality, the right to work with human dignity guaranteed by Articles 14, 15, 19(1)(g), and 21 of the Constitution, as well as the implicit protections against sexual harassment, are contingent upon taking into account international conventions and norms. In order to ensure that working women are able to exercise their basic rights as outlined in Articles 14, 19, and 21 of the Indian Constitution, a group of women's organizations, headed by Naina Kapur and her organization Sakshi, have initiated a Public Interest Litigation against the State of Rajasthan and the Central Government of India. Bhanwari Devi, a social worker in Rajasthan, was subjected to a violent gang rape because she was opposed to the practice of child marriage. This led to the filing of the lawsuit. In addition, the Court decided that every woman has the right to life and that she must be treated with respect and decency when she is doing her professional duties.¹¹

Right to Live in Unpolluted Environment: It is a component of the right to life to be able to reside in an environment that is free from contamination and contamination. In the case of *B.L. Wadehra v. Union of India*¹², it was determined that the right to life includes the right to have clean air, water, and surroundings on one's individual level. According to the decision that was made in the case of *M.C. Mehta v. Union of India*¹³, the right to life includes the inclusion of a pollution-free environment. There is a detrimental influence that pollution has on life, since it slows down the process of poisoning and shortens the lifespans of humans.

Right to Shelter: Article 21 of the Constitution of India guarantees that every individual has the right to shelter, which is one of the fundamental rights. In the case of *Chameli Singh v. State of Uttar Pradesh*,¹⁴ the Supreme Court of India declared that having a place to inhabit is essential to living with dignity, and that having a right to life, which is protected by Article 21 of the Indian Constitution, is required in order to "live with human dignity."

Right to Education: A notice was published by the state of Karnataka that permitted private medical colleges to charge exorbitant tuition costs to students who were admitted outside of the "Government seat quota." This notice was the impetus for the lawsuit of *Mohini Jain v. State of Karnataka*, which was filed on fifteenth of this year. The Supreme Court came to the conclusion that although while the Preamble of the Constitution and its Directive Principles do not expressly guarantee the right to education in and of itself, it is clear that the authors intended for the state to be responsible for providing education for its people. The ruling was particularly significant because it emphasized that the right to education should be considered as an essential component of the "right to life" guaranteed by Article 21 of the Indian Constitution. This was the main reason why the verdict was so notable.

*J.P. Unni Krishnan v. State of A.P.*¹⁶ was the case in which the Supreme Court came to the

conclusion that even although the right to education is presumed to be a fundamental right and is derived from the right to life that is safeguarded by Article 21, it is not expressly named as a fundamental right. In spite of the fact that the right to education is included in the rights to life and personal liberty outlined in Article 21, these rights are not without limitations. It is essential that Articles 45 and 41 be taken into account while defining the proportions and content of the document. To put it another way, all children and inhabitants of this country are eligible for free education up to the age of fourteen.

Right to Sustainable Development: Development that is sustainable is development that handles the demands of the current generation without sacrificing the capacity of future generations to fulfill their own needs. This kind of development is referred to as "sustainable development." Along with ensuring that a healthy environment is maintained, it is a philosophy that may be used to achieve human development objectives.

N.D. Jayal v. Union of India,¹⁷ In support of the Tehri Dam Project, the petitioner advocated for the rehabilitation of the communities involved. The Supreme Court of the United States ruled that conservation of the environment should be the primary focus of development, and that the right to life encompasses the right to sustainable development.

Right to Social Security: Additionally, the right to social security and the protection of one's family are included in the right to life. A human right is the right to receive social security benefits. Every person has the right to a decent quality of living that is sufficient for the maintenance of their health and the growth of their lifestyle. It has been acknowledged by the Indian Judiciary that individuals have the right to receive social security benefits in the case of unemployment, illness, disability, or old age. Specifically, the right to social security is addressed in both Article 25(2) of the Universal Declaration of Human Rights, which was published in 1948, and Article 7 of the International Covenant on Economic, Social, and Cultural Rights, which was published in 1966. Under the Constitution of India, Article 21 stipulates that individuals have the right to social security.

C.E.S.C. Limited v. Subhas Chandra Bose,¹⁹ It was decided that the right to social and economic justice is a basic right, and more precisely, the right to life. Additionally, the Court declared that the right to life and dignity is meaningless without socio-economic rights, and that the right to social security and protection of the family is an integral component of the right to life. This was expressed in the context of the relationship between the two rights.

S.K. Kantikar v. B.N. Municipal Council,²⁰ It was decided that "people at large have a right to know in order to be able to participate in participatory development in the industrial life and democracy." This was the conclusion reached. Citizens in a free nation have the right to know, which is a fundamental right that they strive to achieve. New dimensions and a sense of urgency have been added to that right. Those individuals who accept the obligation to inform are subject to a heightened level of accountability as a result of this privilege.

Right Against Honour Killing: "It is possible to define "honor killing" as the act of a member of a family or social group being murdered by other members of the same family or group. This is done because the perpetrators (and sometimes the broader society) believe that the victim has brought dishonor upon the family or community. Therefore, a murder that is conducted in order to defend what is regarded to be the "honor" of one's family in a particular

culture against the humiliation that is brought by another member of the family might be referred to as a "honor killing." In the most recent precedent-setting decision.

Shakti Vahini v. Union of India,²¹ The Honourable Justice Deepak Mishra came to the conclusion that Article 21 involves the protection of human life in addition to freedom and fundamental human rights such as equality of status. The acts of honor killing that are committed by Panchayats or people are in violation of the Article, and as a result, they are subject to the same degree of punishment.

C.E.S.C. Ltd. v. Subhash Chandra Bose and Ors.,^[23] The Calcutta High Court ruled that the right to life encompasses the right to electricity. Furthermore, the court ruled that the Corporation, in its capacity as a licensee, is obligated to generate, transmit, and supply electrical energy to the consumers of the area. This obligation is accomplished through the construction of electric supply lines, as well as overhead lines, service lines, and underground cables that are used to supply energy.

No Right to Die: In **P. Rathinam v. Union of India**,²⁷ the Supreme Court held that right to life is a natural right embodied in this Article 21 but suicide is an unnatural termination of life, so the right to die is incompatible with the right to life, and consequently, right to life does not include right to die.

Aruna Ramchandra Shanbaug v. Union of India and Ors.,²⁸ it was held that active euthanasia is not allowed in India but passive euthanasia may be done with the prior permission of the court. The court observed that it is a settled principle all around the world that active euthanasia is illegal unless there is legislation permitting it and passive euthanasia is legal even without legislation. Considering the chances of misuse, the court alone as "Parens Patriae" will decide whether life support should be withdrawn or not, for the people who are incapable to provide consent for. According to Article 21, the use of the death penalty or the death penalty does not constitute a violation of the constitution. In the case of **Jagmohan Singh v. State of Uttar Pradesh**,²⁹ it was decided that the court had the authority to decide whether to impose a sentence of life imprisonment or the death penalty, depending on the nature of the crime that was committed. The "procedure established by law" that is described in Article 21 is the one that is responsible for deciding whether or not to impose a death sentence. It was decided in the case of **Bachan Singh v. State of Punjab**³⁰ that Article 21 acknowledged that the state has the authority to take a person's life via the use of a method that is just, fair, and reasonable. As a result, the death penalty does not violate Article 21.

Right to Privacy and Discloser of Dreadful Diseases: In **Mr. X v. Hospital Z**,³⁴ an issue emerged before the Supreme Court that whether disclosure of HIV positive findings to the prospective in-laws, by the doctor concerning his patient, who was going to be married, would be violative of Article 21. The Court decided that the right to privacy is not an unrestricted right but rather is subject to certain legal limitations. In the event that the safeguarding of personal liberty results in anything that is in conflict with the right to life, then it is possible to restrict it. During this particular scenario, the HIV-positive patient need to be notified of the right to life of the lady with whom he was about to marry before the marriage takes place.

Section 9 of the Right to Privacy and Hindu Marriage Act, which was passed in 1955, addresses the issue of repatriation within the context of conjugal rights. Section 9 of the Hindu

Marriage Act of 1955 was found to infringe the right to privacy in the case of T. Sareetha v. T. Subbiah,³⁵ which was decided by the court. On the other hand, in the case of Saroj Rani v. Sudarshan Kumar Chadha,³⁶ the Delhi High Court decided that Section 9 of the Hindu Marriage Act, 1955 does not violate the Constitution. This is due to the fact that Section 9 serves a societal purpose, which is to prevent the dissolution of marriages. Given that marriage is a social relationship, it is imperative that the dissolution of marriage be avoided.³⁷ -

Right to Travel Abroad: In the case of Maneka Gandhi v. Union of India,³⁸ the petitioner's passport was taken away by the government in accordance with the Passports Act of 1967, which gave the government the authority to do so for the sake of the public good. The government indicated that the attendance of the petitioner before a commissioner of inquiry was very important in relation to the multiple complaints that were lodged against the petitioner. The passport was merely detained for the purpose of ensuring that the petitioner was present and to prevent the petitioner from fleeing the country. On the other hand, it was noticed that the freedom to go abroad is a basic right since it is a component of the right to privacy, which is protected by Article 21 of the Constitution. Personal liberty is a fundamental right.

Rights of Those Who Are Locked Up: A person is considered to be a prisoner if they are deprived of their liberty and held under involuntary restriction, confinement, or custody, particularly if they are charged with a crime or are incarcerated. Prisoners are also granted some rights, which are outlined in the following paragraphs of Article 21:

Free Legal Assistance is a Right: An accused person who is unable to pay fees to a lawyer has the right to receive free legal assistance at the expense of the state, according to the decision that was made by the Supreme Court in the case of M.H. Hoskot v. State of Maharashtra. In the case of Suk Das v. Union Territory of Arunachal Pradesh,⁴⁰ the Supreme Court of India ruled that the conviction of an accused person without representation in trial by a lawyer is a clear violation of Article 21. Furthermore, the State is under a mandate to provide a lawyer to an accused person if the circumstances of the case and the needs of justice so require, provided that the accused person does not naturally object to the provision of such a lawyer.

Right to a Rapid Deliberation: Article 21 has been viewed as a fundamental component of personal liberty, and one of those components is the right to a quick trial. In the case of Hussainara Khatoon v. Home Secretary, State of Bihar⁴¹, it was observed that a significant number of convicts, including males, females, and children, were waiting for their trials year after year. Even the most fundamental human rights were denied to these individuals. During the process of rendering its decision, the court made the observation that it was unlawful and a violation of Article 21 to detain individuals who were awaiting trial for a longer amount of time than the term of conviction, in the event that they were found guilty. In addition, it was noted that Article 21 of the Constitution guarantees individual rights, including the right to a quick trial.

The Right to Be Free from Unlawful Detention: The basic right, especially the right to personal liberty as outlined in Article 21, is violated when an individual is detained without legal authorization. Under the circumstances of Joginder Kumar v. State of Uttar Pradesh ⁴²,

the petitioner was held by the police for a period of five days without his family being informed. It was an instance of unlawful imprisonment of a person who was no longer in prison. The Supreme Court of the United States established the following standards, which regulate the arrest of individuals on the basis of an investigation:

In the event that he makes a request, an individual who has been arrested and is now being held in custody has the right to have one friend, family, or another person who is familiar with him or who is likely to show an interest in his welfare informed, to the extent that it is feasible, that he has been arrested and that he is being held in jail.

This right is to be communicated to the person who has been arrested by the law enforcement officer when the individual is transported to the police station.

D.K. Basu v. State of West Bengal,⁴³ the Supreme court has laid down the following guidelines in case of arrest or detention:

It is required that the specifics of the law enforcement officers who handle or question the individual who has been arrested be entered in a register.

- At the time of the arrest, the law enforcement officer who is actually carrying out the arrest of a person is required to create a "memo of arrest."

A person who is detained has the right to have one friend, family, or anybody else he desires told of his detention as quickly as possible. This right is guaranteed to the imprisoned individual.

In the event that an arrestee's friend or family resides outside of the district, the police are required to notify the time and place of the arrest, as well as the location of the custody of the individual who was arrested.

- The individual who has been arrested is required to be notified of his rights.

- The individual should be submitted to a medical examination, and if any significant or small injuries are discovered in his body at the moment of arrest, then such injuries must also be mentioned within the medical report.

- The person who was arrested could be allowed to speak with his attorney while he is being questioned.^{a 44}

To ensure that the Magistrate has a complete record of everything, all copies of the paperwork, including the note of arrest, should be delivered to him.

Sheela Barse v. State of Maharashtra,⁴⁵ the Supreme Court took action against the custodial violence committed against the women prisoners confined in police lockups. It was held that it is a violation of fundamental rights secured under Article 21.

Nilabati Behera v. State of Orissa,⁴⁶ As a result of physical abuse within the prison, the petitioner's son passed away. Mrs. Nilabati Behera is entitled to receive an amount of Rs. 1,50,000/- from the respondent, which is the State of Orissa. Additionally, the Supreme Court Legal Aid Committee is entitled to receive a value of Rs. 10,000/- from the respondent. This decision was made by the Supreme Court. The argument was made that the information that was presented during the investigation did not provide support for the defense of the respondents, and there is no cause to dispute the conclusion that the learned District Judge reached, which was that Suman Behera passed away while in the custody of the police as a consequence of the injuries that were inflicted upon him. In addition, the right to

compensation is a right that is protected under Article 21.

Chandrima Das v. Chairman, Railway Board,⁴⁷ Mrs. Chandrima Das, a practising advocate of the Calcutta High Court, has filed a petition against the Chairman of the Railway Board under Article 226 of the Constitution. The petition seeks compensation for the victim, Mrs. Hanuffa Khatoon, a Bangladeshi national who was gang-raped in a room at Yatri Niwas at Howrah Station by a number of individuals, including some employees of the Railways. Smt. Khatoon was given a sum of ten lakhs of rupees by the court as she was entitled to compensation. The court was of the conclusion that the rape was committed in the building that belonged to the Railways and that it was perpetrated by the personnel of the Railways. As a result, the Railway Board is vicariously accountable for the breach of Article 21.

Procedure Established by Law: When it comes to substantive law as well as procedural law, the phrase "procedure established by law" is quite appropriate. A legislation that has been properly adopted by the legislature or the body that is responsible is considered to be legitimate if it has been enacted in accordance with the appropriate process. In this system, the court would determine whether or not there is a law, whether or not the legislature is competent to create the legislation, and whether or not it had followed the process that had to be followed in order to legislate. However, the court would not evaluate the intention behind the law in question. A significant problem exists in this concept. The laws that are passed by parliament are not evaluated to see whether or whether they are fair, just, and not arbitrary. The phrase "procedure established by law" refers to the fact that a law that has been properly passed is applicable even if it goes against the ideals of fairness and equity. In the event that "procedure established by law" is strictly adhered to, there is a possibility that the life and personal liberty of persons might be jeopardized as a result of laws that were enacted by the authorities that are responsible for establishing laws. As a result, "procedure established by law" safeguards the person from the arbitrary actions of merely the executive branch. As a result of the case involving Maneka Gandhi, it became clear that the method must be equitable, fair, and reasonable.⁽⁴⁸⁾

The phrase "procedure established by law" is not included in the Constitution of the United States of America; rather, it is referred to as "due process of law." It is not only the theory of "due process of law" that determines whether or not there is a law that may deprive a person of their life and personal liberty, but it also determines whether or not the legislation that has been enacted is fair, just, and not arbitrary. If the court determines that a certain law is not just, it will declare that legislation to be invalid and unenforceable. In accordance with this idea, individual rights are treated in a manner that is more equitable. According to the principle of due process, it is a legal necessity that the state must respect all of the legal rights that are owed to a person. Additionally, the laws that states adopt must correspond to the laws of the nation, including principles such as fairness, basic rights, liberty, and other important principles. Additionally, this idea provides the judicial system with the authority to evaluate the basic fairness, justice, and liberty of any kind of law. Accordingly, "due process" safeguards the person against the arbitrary actions of both the executive branch and the legislative branch.

Position of Article 21 During Emergency

The right to life and the right to personal liberty are not considered to be "gifts of the Constitution," according to the widespread conviction that they are human rights. Article 4 of the International Covenant on Civil and Political Rights, which was established in 1966, acknowledges that the right to life and personal liberty is a right that cannot be derogated from, even in the event of a state of emergency. Immediately after the passage of the 44th Amendment Act, the court reached a consensus that it is impossible to deprive a person of their right to life and personal liberty under any circumstances. As a result, Article 21 cannot be suspended under any circumstances, not even in crisis situations.

CONCLUSION

The right to life and the right to personal liberty are both addressed in Article 21. Within the context of the interpretation of Article 21, the Indian court has been of tremendous assistance. Only a method that has been established by law may infringe against the right to life and personal liberty, and that procedure must be equitable, fair, and reasonable in order to be considered to be appropriate. Part III of the Constitution includes Article 21 as the provision that guarantees the most important basic right. Because of the significance of Article 21, it is not even suspended during times of emergency on account of its significance. There is a broad scope that encompasses the right to life and personal liberty, and this scope is expanding throughout time. There has been a growing understanding regarding the numerous areas of a person's life that he or she has the right to control and which, as a result, would make it easier for the individual to improve the quality of his or her life. This right, which represents the most fundamental requirements for human existence, has been referred to as the "heart and soul" of the Constitution of India by the Supreme Court, and it unquestionably validates the characterization of this right.

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