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**A CRITICAL STUDY OF EXTENDED VIEW OF RIGHT TO LIFE AND LIBERTY:  
RECENT DEVELOPMENTS**- Raveena R Savadi<sup>1</sup>**I. ABSTRACT**

Law has always played an integral role in formulating a state and ensuring its smooth governance, regulating human behaviour within the state and the relationship between the state and human beings. A country's Constitution is essential in maintaining a just relationship between the state and the people. In an ideal democratic state, the Constitution has to embody the sacred ideals of constitutionalism, the theory that a state cannot exercise arbitrary authoritarian control of power on its citizens without following the procedures established by law. The integral instrument for preserving constitutionalism is the fundamental rights that the Constitution bestows on every citizen. At the heart of fundamental rights is the right to life and personal liberty. Throughout the years, the Indian judiciary has chosen to extend the ambit of this right. These judicial actions have been particularly significant over the last few years. Given the status of the judiciary as the guardian of the Constitution, the extended liberties are a furtherance of the principles of constitutionalism. This research paper endeavours to analyse these recent developments in case laws, explain their significance and make suggestions to fully provide the citizens of this country with the right to life and personal liberty.

Key Words: Constitutionalism, Liberty, dignity, life, quality.

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## II. INTRODUCTION

The principle of constitutionalism is fundamental to true democracy in any country. Constitutionalism, as a principle, understands the need for a well-functioning government in a modern welfare state. However, it also mandates the need to place certain restrictions on the power a state can yield to preserve the individual liberty that citizens can possess in a robust democracy.

The Constitution of India contains in itself these aspects of maintaining constitutionalism. The fundamental rights present in the Constitution are a primary example of this endeavour. The government has to function in compliance with preserving citizens' fundamental rights. If the government fails to do so, citizens have the right to approach the judiciary to enforce these rights. Hence, the judiciary is also popularly known as the 'guardian of a democracy.'

Out of all the fundamental rights present in the Constitution of India, eminent jurists consider Article 21 to be the most important. It guarantees the people the fundamental right to life and personal liberty. Article 21 entails the prospect of providing people with the right to live life in a peaceful and unrestricted manner. However, at times, the state can restrict this right by enacting procedures established by law.

Through the years, the judiciary has played a crucial role in expanding the ambit of the right to life and personal liberty. It has successfully interpreted the Constitution to include a more comprehensive number of rights within Article 21. This research paper endeavours to focus on this extended view of the capacity of rights that Article 21 covers. The paper entails landmark judgements, that is, recent developments that have added to the existing power of this right. It also aims to provide a short historical context to the beginning of this extended view of Article 21.

The paper also aims to provide the needful suggestions that help provide wider furtherance to the right to life and personal liberty. There are more rights that the judiciary can confer to its citizens under the ambit of Article 21, rights that are vital in a modern welfare state that are in spirit with the ideas of constitutionalism and the other fundamental rights.

Lastly, this research paper also endeavours to reiterate the necessity of the right to life and personal liberty in any democracy. These are the various intentions whose fulfilment is vital to this research paper.

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### III. REVIEW OF LITERATURE

The following sources of literature were instrumental in conveying the information of this research paper. 'Indian Constitutional Law' penned by M.P Jain<sup>2</sup> was integral to this research and provided great insight into the topic. The article, 'Human Rights Jurisprudence in Indian Constitution, Right to Equality and Life: Concept and Substance',<sup>3</sup> was also essential in understanding judgements' significance.

The article, 'Social Justice in India: Constitutional Vision and Thereafter'<sup>4</sup>, also helped analyse the subject matter and provide more context to the research. The journal article 'Changing Equation between Indian Parliament and Judiciary'<sup>5</sup> helped frame the conclusions and suggestions for this research. These were the most important sources among other references used for this paper.

### IV. RESEARCH QUESTIONS

1. Why was there a need for the judiciary to take an extended view of Article 21?
2. What were some critical judgements undertaken by the judiciary in recent times?
3. How do these judgements further help society to progress?
4. What changes can all the organs of the government make in the ambit of this right to provide, protect and preserve further personal liberty of the citizens?

### V. RESEARCH OBJECTIVES

1. To give a historical context to the beginning of the judiciary's decisions to expand the rights available under Article 21.
2. To critically discuss the rights that have been added and state their significance.
3. To contribute to strengthening these rights within Article 21 by giving the appropriate and needful suggestions.

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<sup>2</sup>M P JAIN, INDIAN CONSTITUTIONAL LAW (Lexis Nexis 2016).

<sup>3</sup> Sunil Khosla et. al., *Human Rights Jurisprudence in Indian Constitution, Right to Equality and Life: Concept and Substance*, 72THE INDIAN JOURNAL OF POLITICAL SCIENCE, 927-936 (2011).

<sup>4</sup> Subhash Shukla, *Social Justice in India: Constitutional Vision and Thereafter*, 75THE INDIAN JOURNAL OF POLITICAL SCIENCE, 315-326 (2014).

<sup>5</sup> Walekar Dasharath, *Changing Equation between Indian Parliament and Judiciary*, 71THE INDIAN JOURNAL OF POLITICAL SCIENCE, 163-167 (2010).

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## VI. SCOPE OF THE STUDY

This research aims to collect and analyse the essential judgements that the judiciary has given that reflect the more recent developments in the expansion of Article 21. The researcher has included the period extending over the past twenty-five years. The research will exclusively focus on Indian judicial precedents that have increased the ambit of rights under Article 21 of the Indian Constitution.

## VII. RESEARCH METHODOLOGY

The current research employs a doctrinal form of research, otherwise known as standard judicial research, which entails covering the relevant judicial matter available like the conventional sources, and judicial precedents from the necessary case laws and legislation. The present legal doctrinal matter was imperative in this research.

The research also takes a non-empirical route that does not require public-opinion-based evidence and data but does need inputs from eminent jurists, judicial precedents and opinions, and relevant legislation.

Explanatory and evaluative types of research were also vital to give a complete view of the topic. Explanatory research warrants presenting the information at hand and linking them together to give a complete picture of the topic. Much like analytical research, evaluative research entails examining this information with an inquisitorial perspective and a critical mind to add newer details to the existing matter.

The researchers utilised all of these methodologies to give a cohesive narrative and make necessary suggestions for the topic of conversation.

## VIII. HISTORICAL CONTEXT TO EXPANDING RIGHT TO LIFE AND LIBERTY

To further understand the judiciary's decisions to extend the rights under Article 21<sup>6</sup>, it is imperative to reiterate the first instance where the judiciary extended the liberties in the case of *Maneka Gandhi v. Union of India*<sup>7</sup>. The petitioner, in this case, had her passport impounded by authorities in the public interest. Then, she filed the petition to contest this executive decision. The judges of the Supreme Court then elaborated on the need for human

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<sup>6</sup> INDIA CONST. art. 21.

<sup>7</sup>Maneka Gandhi v. Union of India, AIR 1978 SC 597.

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dignity in a democracy, which is an extension of Article 21 and that the procedure established by law to restrict fundamental rights cannot be arbitrary and unfair. Hence, the right to human dignity became the first extended right under Article 21.

The court next considered that in a democracy, there must also be a certain quality of life free from the reins of oppression, exploitation and arbitrariness. Hence, the right to quality of life<sup>8</sup> became a further extension of Article 21. These judgements were crucial to the further developments under Article 21. It even paved the way for the *locus standi*<sup>9</sup> rule to relax and have the first public interest litigation (PIL) in the Supreme Court in the case of *Hussainara Khatoon v. State of Bihar*<sup>10</sup>.

This case discussed the rights of undertrial prisoners in jails of Bihar, where they awaited trial longer than the time that the courts would have punished them with had they convicted the prisoners for their alleged crimes. They also received no legal aid and were unable to defend themselves. The court held that the rights to a speedy trial and legal aid were also rights interpreted under Article 21.

It is evident from this case why the expansions under Article 21 were crucial. The judiciary holds a unique position at the helm of democracy where it has to maintain the law while protecting the citizens behind the possible excesses of said laws. Therefore, the judiciary's duty and responsibility are to provide citizens with all the rights vital to maintaining the quality of life and human dignity. That is why fascinating developments are happening in extending the ambits of rights under Article 21.

Law needs to evolve with the society it has to preserve and protect. Each case has presented the judiciary with situations where the law needs to evolve to match the evolving society. This direct proportion will be reflected in the cases further that the research discusses.

## IX. THE RIGHT TO EDUCATION

The first right that this researcher has chosen to explore also remains the most prevalent and vital use in the extended view of Article 21. In the case of *Unnikrishnan v. State of Andhra Pradesh*<sup>11</sup>, the judiciary deemed the right to education as a fundamental right within Article

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<sup>8</sup>Frances Coralie v. Administrator, Union Territory of Delhi, AIR 1981 SC 746.

<sup>9</sup>This refers to one's right to appear or approach a court of law.

<sup>10</sup> *Hussainara Khatoon v. State of Bihar*, AIR 1979 SCC 1369.

<sup>11</sup>*Unnikrishnan v. State of Andhra Pradesh*, 1993 SCC (1) 645.

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21. The case held that every child until the age of 14 years has the right to education. Before this case, there was also the case of *Mohini Jain v. State of Karnataka*<sup>12</sup> discussed the constitutionality of capitation on education fees. The court also took this opportunity to discuss the realisation of establishing education as a fundamental right.

After this significant judgement, in 2002, in the eighty-sixth Amendment of the Constitution, Article 21A<sup>13</sup> mandated free and compulsory education for all children until 14 years. The legislature further codified this amendment in The Right of Children to Free and Compulsory Education Act, 2009.

It is undoubtedly necessary for a modern welfare state to provide education to its children. This policy has remained a directive principle that required fruition, and the judiciary was able to interpret Article 21 to provide education. It is also important to note that the reason behind the successful implementation of the precedent, even years later, was that it was codified. Education is a form of liberation as it emboldens one with the opportunity to build a conscience independent of what was previously societally instilled. Unfortunately, the judgment took years to be appropriately implemented, but it is now a valuable addition to many people's lives even though it is still a recent development. The 2009 Act will undoubtedly continue to improve lives by empowering them with education, hence improving the quality of their life and holding up Article 21.

## X. THE RIGHT AGAINST SEXUAL HARASSMENT

This right came into existence after the landmark PIL case of *Vishaka v. State of Rajasthan*<sup>14</sup>, which was filed after the brutal rape of an NGO worker. The case discussed the inherent sexual harassment women face in their workplace and how the authorities can deal with an incident of this nature. The court ruled that international norms and conventions can help fill the void left by domestic laws that leave a void in this case. It also ruled that sexual harassment violates the right to equality<sup>15</sup> and the right to freedom of profession<sup>16</sup>. The court then formulated the Vishaka guidelines that future cases upheld<sup>17</sup>. These guidelines apply to

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<sup>12</sup> Mohini Jain v. State of Karnataka, 1992 SCC (3) 666.

<sup>13</sup> INDIA CONST. art. 21, amended by The Constitution (Eightieth-sixth Amendment) Act, 2002.

<sup>14</sup> Vishaka v. State of Rajasthan, AIR 1997 SC 3011.

<sup>15</sup> INDIA CONST. art. 14.

<sup>16</sup> INDIA CONST. art. 19.

<sup>17</sup> Apparel Export Promotion Council v. A.K. Chopra, AIR 1999 SC 625.

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public, private and non-governmental bodies on how to investigate matters of this nature, and it can potentially lead to the possibility of applying other fundamental rights to private bodies in the same capacity.

The legislature codified these guidelines as the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. A judicial precedent truly becomes efficient in implementation only after the law-making body codifies the said judgement. Hence, it was highly integral that these guidelines be made into codified laws by the legislature to protect women from sexual harassment truly. Criticism of the guidelines and their codification does not apply to men who may also undergo sexual harassment at work.

Working in a peaceful and constructive environment is undoubtedly an extended feature of human dignity and quality of life, which is traced back to Article 21. Further, it is to note that the codification of the guidelines happened much later than when the guidelines first emerged. The same happened to the right to education, where codification takes too long. This delay can prove to be detrimental and must be reduced. Otherwise, this judgement is way ahead of its time and encourages women to join the workforce rather than cower in their homes for fear that an untoward event may happen. However, for equality, the research also suggests that the guidelines be extended to men who may be victims of sexual assault.

#### **XI. THE RIGHT TO SLEEP AND RIGHT AGAINST NOISE POLLUTION**

The right to a clean environment is an important intersection between environmental and constitutional laws. The concept first emerged in the case of *M.C Mehta v. Union of India*,<sup>18</sup> where the court first discussed the right to clean air after the oleum leak tragedy. Further, the judiciary solidified the concept in the case of *Subhash Kumar v. State of Bihar*,<sup>19</sup> where the court then held that citizens possess the right against land and water pollution. Concerning this, the Supreme Court then held that industrial evolution must happen along with preserving the environment<sup>20</sup>.

Noise pollution is also an aspect that derails a peaceful environment and reduces the quality of life. The judiciary has efficiently discussed this issue and recognised the inherent dangers that noise pollution possesses. Therefore, the judiciary has called for the right against noise

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<sup>18</sup>M.C Mehta v. Union of India, AIR 1987 SC 1086.

<sup>19</sup> Subhash Kumar vs. State. of Bihar, (1991) 1 SCC 598.

<sup>20</sup> Vellore Citizens Welfare Forum v. Union of India, AIR 1996 SC 2715.

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pollution, especially the time between 10 pm and 6 am when no loud noises are not permitted<sup>21</sup>. This particular provision is also interpreted as the right to peaceful sleep.

Further, in the right against noise pollution, the Supreme Court also held that using artificial devices and increasing the volume to obnoxious levels violates Article 21 possessed by the bystanders and hence is not permitted<sup>22</sup>. This judgement brings up the conversation that one's liberty cannot hinder the liberty of another.

These are undoubtedly essential rights that require further development and better development, especially in today's rapidly urbanising times.

## **XII. THE RIGHT TO PRIVACY**

Privacy is a crucial element of existence, and it is the freedom to protect one's thoughts, actions, and ideas, among others. Having the right to privacy enriches the quality of life and must only be taken away by procedures established by law. The judiciary discussed this matter throughout multiple landmark judgements, including the Maneka Gandhi case<sup>23</sup>. However, the right to privacy was fully established only in *Justice K. S. Puttaswamy (Retd.) and Anr. v. Union Of India And Ors*<sup>24</sup>.

The case was about the data-sharing features on social media applications, whether these features hinder the right to life and liberty under Article 21, and whether this right is enforceable against private entities. The decision was unanimous in determining that violating one's privacy also disregards their dignity as a human being and their quality of life. Hence, the right to privacy emerged as a fundamental right under Article 21.

Individuals in a democracy reserve the privileges of individual autonomy under reasonable restrictions, and hence, they must possess the right to privacy to ensure both the rights of personal liberty and freedom. It is vital for citizens to live their lives freely without the scrutiny of others, especially in a free democratic country. This right is yet to be codified by the legislature, and it must be codified to utilise fully the liberty it ensures.

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<sup>21</sup>Noise Pollution v. In re, AIR 2005 SC 3136.

<sup>22</sup>Forum, Prevention of Envy. & Sound Pollution, Union of India, AIR 2005 SC 3136.

<sup>23</sup>*Supra* note 1.

<sup>24</sup> Justice K. S. Puttaswamy (Retd.) and Anr. vs Union Of India And Ors, AIR 2017 SC 4161.

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### XIII. THE RIGHT TO REPUTATION

A person's reputation is one of their greatest assets. To be able to co-exist with other individuals in society with good faith and the good opinion of others is an accomplishment that improves the quality of life of an individual and helps their societal standing. Human dignity is also attached to having a reputation for decency. Therefore, it must be protected under Article 21.

In the case of *State of Bihar v. Lal Krishna Bihari*<sup>25</sup>, the court first ruled that one is entitled to their reputation and has the right to protect and preserve this right. Further, the Supreme Court ruled that criminal defamation was not violating<sup>26</sup> the fundamental right to free speech and expression<sup>27</sup>. One of the essential restrictions to freedom of speech and expression is defamation<sup>28</sup> and harming one's reputation with falsities goes against empowering an individual to human dignity.

The concepts of liberty and good faith are inherently correlated. Therefore, it is crucial to embolden individuals to have this right. The common law system has developed a comprehensive system to establish defamation and have remedies if that has occurred. However, it is helpful for all laws established to be acknowledged by the legislature as it would only strengthen the power of this right and serve the public's best interests.

### XIV. THE RIGHT TO ACCESS THE INTERNET

Society, in present times, has evolved to find immense importance in the internet and its capacity to connect individuals from across the world to one another. It also empowers individuals with information that improves their quality of life and strengthens them with knowledge. The internet is more necessary now than ever before. Therefore, because of all these reasons, the right to the internet is also a fundamental right under Article 21. This judgement was made in the case of *Faheema Shirin v. State of Kerala*<sup>29</sup>. The case emerged in the Kerala High Court and thus has an obligatory value on the rest of the High Courts in the country. The Supreme Court must still hear the issue and confirm its status. The court held that disparity in accessing the internet could propagate socio-economic inequalities.

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<sup>25</sup> *State of Bihar v. Lal Krishna Bihari*, AIR 2003 SC 3357.

<sup>26</sup> *Subramanian Swamy v. Union of India*, (2016) 7 SCC 221.

<sup>27</sup> *Supra* note 9.

<sup>28</sup> *Ibid.*

<sup>29</sup> *Faheema Shirin v. State of Kerala*, AIR 2020 Ker 35.

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However, this right is not codified, and our country also lacks the necessary infrastructure required to establish the internet for all. The problems associated with implementing this right are shared in executing even the noblest intentions in legislative actions. Therefore, it is prudent to convey that although the right to access the internet is a fundamental right, it will take a long time for its practical implementation from a more critical perspective.

## **XV. THE RIGHT TO CHOOSE ONE'S LIFE PARTNER**

The concept of marriage in India has been very straightforward for multiple centuries, and it is a union of not only two people but of their families and possibly their communities. Marriage and choosing one's life partner do not co-exist in many married couples' scenarios as, more often than not, their families make these marriage matches. This practice is especially problematic in the Indian context because of the reigning social hierarchies and systems that do not allow people to marry or choose a life partner outside their community. Many honour-killings happen because of this phenomenon of being mandated to respect these invisible community lines. Hence, this judgement carries extra relevance.

In the case of *Shakti Vahini v. Union of India*<sup>30</sup>, the petitioner organisation, Shakti Vahini, challenged the barbaric practice of honour-killing through a writ petition. The main issue was whether the family elders had any authority to kill couples who had gotten married consensually. The court answered this question negatively and stated that it is against the right to life to harm someone in this manner. No one should face the threat of death when choosing their life partner. It is also within one's liberty to do so without worrying about societal repercussions.

Moreover, even in the *Navtej Singh Johar v. Union of India*<sup>31</sup>, the Supreme Court decriminalised homosexuality<sup>32</sup> from the Indian Penal Code. This judgement extends the right to choose one's life partner even to the LGBT community, to a certain extent.

Enabling the citizens of this country to choose their life partners is integral to preserving democracy and the right to life and liberty. It is also integral to breaking down the regressive yet existing societal norms that do not permit inter-community or same-gender couples to co-

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<sup>30</sup>Shakti Vahini v. Union of India,(2018) 7 SCC 192.

<sup>31</sup> Navtej Singh Johar v. Union of India, 2018 (1) SCC 791.

<sup>32</sup>Indian Penal Code, 1860, § 377, No.1, (India).

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exist peacefully and with integrity and the rest of society. It is essential to codify this right that exemplifies and provides life and liberty and helps society further progress.

## XVI. THE RIGHT TO DIE WITH DIGNITY

There has been an essential debate about whether the right to life must also include the right to die. Section 309 of the IPC criminalises attempts to suicide<sup>33</sup>. The judiciary questioned the constitutionality of this law in the case of *P. Rathinam v. Union of India*<sup>34</sup>, and they held that the right to life does not include having to force someone to enjoy life to their detriment or dislike. In this case, the right to life includes the right not to be forced to live. The court called for the deletion of Section 309, holding it unconstitutional and, therefore, void.

However, in *Gian Kaur v. State of Punjab*<sup>35</sup>, the Supreme Court revisited the matter when a couple abetted the suicide of their daughter-in-law. They argued that now that suicide is a constitutional right, abetment of suicide would be an action to enforce a constitutional right under Article 21. They also argued that Section 306<sup>36</sup>, which criminalises the abetment of suicide, is also unconstitutional. On hearing these arguments, the court repealed the decision it had made in the previous case and held that Sections 309 and 306 are constitutional and not violative of Article 21.

The court also made a difference between suicide and euthanasia. Suicide is an unnatural termination of life, whereas euthanasia is the process of reducing the suffering a person might be undergoing by reducing their lifespan. This definition applies to passive euthanasia, where the patient is either in a vegetative state or is terminally ill.

In the *Aruna Ramachandra Shanbaug v. Union of India*<sup>37</sup>, the court discussed passive euthanasia and how it is permissible if the patient is terminally ill or in a vegetative state. If the patient is conscious, their consent is necessary, but if they are in a coma for an indefinite amount of time, the power of attorney is to be consulted. Finally, in the *Common Cause v. Union of India*<sup>38</sup>, the court distinguished between passive and active euthanasia and declared only passive euthanasia constitutional.

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<sup>33</sup> Indian Penal Code, 1860, § 309, No.1, (India).

<sup>34</sup> *P. Rathinam v. Union of India*, AIR 1994 SC 1844.

<sup>35</sup> *Gian Kaur v. State of Punjab*, AIR 1996 SC 946.

<sup>36</sup> Indian Penal Code, 1860, § 306, No.1, (India).

<sup>37</sup> *Aruna Ramachandra Shanbaug v. Union of India*, (2018) 9 SCC 382.

<sup>38</sup> *Common Cause v. Union of India*, (2018) 9 SCC 382.

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The right to human dignity is of considerable value when the right to die with dignity is in the discussion. A person suffering or having no quality of dignity in their life must not be forced into living. Hence, passive euthanasia being declared constitutional is an essential judgement when encouraging citizens to exercise life with quality and dignity. This legislature is yet to codify this judgement. As for active euthanasia, the debate persists as the action entails the injection of lethal substances, among other methods that the court perceives as an unnatural means to end life. Moreover, the legalisation of active euthanasia may be abused and misconstrued, and it must be seen what decisions the judiciary will take in the coming years. This researcher believes that society will take longer to progress and be prepared to accept active euthanasia as a right in this country and not misuse it.

### **XVII. THE RIGHTS AND DUTIES OF DISEASED (HIV POSITIVE) INDIVIDUALS**

The courts enacted these judgements during the late nineties to the early 2000s when there was the rapid spread of the Human Immunity Virus (HIV) and a large misconception on how the disease spreads. During this time, much discrimination was prevalent against HIV-positive individuals. The kinds of discrimination involved abrupt termination of affected individuals, lack of discretion, and infringement of privacy of such people.

A landmark judgement<sup>39</sup> in the Bombay High Court stated that it is unconstitutional, arbitrary and violative of Articles 21 and 14 to discriminate against HIV-positive individuals and terminate them from their workplace. Furthermore, the Supreme Court, concerning lack of discretion and privacy, held that it is unconstitutional for doctors to disclose the HIV status of a patient without their consent. However, it also held that the spouses or partners have the right to disclosure of deadly diseases such as this with the affected person's consent<sup>40</sup>. The Supreme Court also held that while HIV-positive patients receive sympathy and full integration into society, their right to privacy cannot affect their partner's right to life and liberty. Therefore, their status must be revealed to their partners under Article 21.

There has been more development in understanding this disease from that time of discrimination against those who are positive. However, many other diseases have emerged, and newer forms of discrimination have also come up because of them. These rights extend to HIV-positive individuals and must also be given to people who may be suffering from other

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<sup>39</sup>MX of Bombay v. M/s. ZY, AIR 1997 Bom 406.

<sup>40</sup>Mr X v. Hospital Z, AIR 1999 SC 495.

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potentially deadly diseases. Only then will law and society truly uphold Article 21. These precedents should be examined by the legislature and eventually be codified and appropriately implemented to afford such citizens quality of life, dignity and moral responsibilities.

### **XVIII. SUGGESTIONS AND CONCLUSION**

Most of the recent developments in the extended rights under Article 21 have not been codified by the legislature. As for the rights that have been codified, this process happened years after the courts pronounced the judgements. There has to be a sincere effort by the legislature to codify said precedents for implementing them effectively and enriching society. After the codification, the executive must attempt to implement these laws to their highest potential with the existing infrastructure.

Although established over a decade earlier, the right to education continues to fail in proper execution to provide education for all the children of this country. Even after the right against sexual harassment's codification, such unlawful and demeaning activities continue to happen to both men and women. Only a symbolic interpretation or codification of laws is not enough to propagate actual change in society.

Moreover, certain rights are too ambitious that the judiciary still has chosen to pronounce them as fundamental. The right to the internet, although noble in pronouncement, lacks the necessary infrastructure to succeed in reality. The same arguments are valid even for privacy rights, clean the environment and noise pollution. There has to be a more realistic view of what the government can achieve by actually pronouncing such rights as fundamental.

The judiciary has undoubtedly done good work by extending these liberties and rights under Article 21. However, these acts of judicial revision or review cannot be allowed to turn into judicial activism, which topples the separation of powers and becomes unconstitutional. Furthermore, there is an entire wing of rights that the judiciary must be able to discover and interpret to further empower citizens with liberty that improves the quality of their lives. Many sections of society still lack liberties that the mainstream society enjoys. The judiciary must remain independent from the executive and have the freedom to continue its work. With more cases and PILs having the freedom to approach the court, more judiciary will have the

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liberty to continue ensuring justice and liberty for all. Therefore, the transparency and efficiency of our justice system are paramount.

This research hoped to convey the importance of Article 21 in society and how it is more than just empowering citizens with the right to life and liberty. It also restates the importance and power of their rights to freedom and equality. These extended liberties ensure society's progress and provide a roadmap for what our country can aspire to be like.

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