



“Expanding the horizons of Article 21 – An Analysis”

Dr. Karan Singh Gaur¹, Nidhi²

¹Assistant Professor, Anangpuria Law School, Faridabad.

²Research Scholar, Anangpuria Law School, Faridabad.

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ABSTRACT:

Article 21 of the Indian Constitution, initially framed to safeguard the basic rights to life and personal freedom, has gradually transformed into an expansive and evolving constitutional provision. What began with a narrow interpretation in the early years after independent has, over time, been broadened through judicial reasoning to include numerous rights that are vital for living with dignity. Judicial developments extended its scope to cover areas such as access to education, individual choice to autonomy and even fundamental aspects of human existence like rest and even sleep. This steady expansion reflects the constitution's responsiveness to changing social realities and human needs. Consequently, Article 21 stand today as a dynamic and adaptive right, continuously reshaped to address emerging dimensions of human rights and societal advancement.

KEYWORDS: Transformative Constitutionalism, Article 21, Fundamental Rights, Right to life.

I. INTRODUCTION

“This right to life is the fundamental human right, from which all the other rights derive their significance”

-Amartya Sen

Article 21 of the Indian Constitution has evolved significantly through landmark cases. It all started with *A.K Gopalan Case* where in 1950 the term “personal liberty” has been interpreted narrowly, focusing on mere physical freedom. Then, by the *Maneka Gandhi Case* in 1978 broadened this scope, requiring laws and procedure of curtailment of “life” and “liberty” must be just, fair and reasonable. In the *K.S. Puttaswamy case* in 2017 recognized privacy as a fundamental right under Article 21 as a dimension of the term “life” and “personal liberty”. More recent judgements like the *Common Cause case* in 2018, have further explained it by recognizing right like euthanasia and the right to die with dignity. These developments show how Article 21 remains a dynamic and living document, continuously adapting to new societal needs and rights.

The recent discussion on “marital rape” as proposed by Shashi Tharoor, highlights on going dialogue's about women's autonomy and broader possible implication of Article 21. While Tharoor's suggestion underscores the potential for future expansion of the right to life and personal liberty (The Hindu).

Historical Background of Article 21

The *A K Gopalan v State of Madras* regarded as the foundational decision in shaping the early interpretation in shaping the early interpretation of Article 21 of the Indian Constitution. In this case the Supreme Court took the limited view of the right to life and personal liberty, largely restricting its meaning to protection from physical restraint and physical detention. Consequently, this narrow interpretation leads to the exclusion of other essential aspects of life and personal liberty, which become apparent in later judgement. This limited perspective ignored the broader dimensions of the term “personal liberty” encompasses more than just freedom from physical restraint.

The need for a broader interpretation was subsequently addressed in the *Maneka Gandhi v Union of India*, The Hon'ble Supreme Court in that judgement emphasized that the procedure established by law to curtail such right to life and personal liberty must be fair, just non- arbitrary and reasonable. This marked a significant shift, acknowledging that personal liberty extends beyond mere physical freedom to include the right to live with dignity and freedom from arbitrary laws.

II. SHIFT FROM NARROWER INTERPRETATION TO WIDEST CONSTRUCTION BY VIRTUE OF MANEKA GANDHI CASE

Evolution of Article 21: from A.K Gopalan Case to Maneka Gandhi case

The A. K Gopalan case is a foundational moment in the interpretation of Article 21. In the case, the interpretation was limited, focusing on procedural



aspects of law and not fully recognizing the broader dimensions of personal freedom. This narrower interpretation often led to various gaps as it does not recognize complexities of human dignity, autonomy and privacy, which are essential to personal liberty.

The landmark case of *Maneka Gandhi* in 1978 marked a significance shift by emphasizing that any procedure depriving a person of life and personal liberty must be just, fair, reasonable, non-arbitrary and in lined with all constitutional mandates. This broadened interpretation recognized that the personal liberty encompasses more than just freedom from physical confinement but also include various dimensions of right to live with dignity.

Impact of Maneka Gandhi set a precedent for future cases

This shift in interpretation paved the way for future judgements -allowing for a more comprehensive understanding of *Article 21*. It laid the foundation for recognizing various other rights under the umbrella of personal liberty such as privacy, autonomy and the right of live a life of dignity.

This case marked a crucial turning point, transforming *Article 21* from a narrowly defined right into a dynamic and expansive guarantee of fundamental freedoms.

III. TRANSFORMATIONAL JOURNEY OF ARTICLE 21 MADE AFTER MANEKA GANDHI CASE

This evolution continued through subsequent landmark judgments by asserting that any procedure depriving life and personal liberty must be just, fair and reasonable. This expansion set the stage for a series of landmark judgements over the decades, each further enhancing and expanding the interpretation of *Article 21*.

In the subsequent landmark judgements, the scope of *Article 21* has significantly broadened:

Nandini Sathpathy v P.L Dani

In this case Supreme Court recognized the right against self-incrimination and emphasized the protection of personal liberty and dignity, further broadening the scope *Article 21*.

Francis Coralie Mullin v Union Territory of Delhi

The Apex court in this case held that right to live with human dignity is a part of *Article 21*.

K.S Puttaswamy v Union of India

This judgment recognized the right to privacy as an integral part of life and personal liberty.

Sunil Batra v Delhi Administration

In this case the court prohibited the use of handcuffs on undertrial prisoners, emphasizing humane treatment.

D.K Basu v State of West Bengal

This case laid down the guidelines for the protection of detainee, ensuring safeguards against custodial violence.

Hussainara Khatoon & Ors vs Home Secretary, State Of Bihar

The court addressed the right to a fair trial and the humane treatment as part of the right to life.

Paschim Bengal Khet Mazdoor Samity v State of West Bengal

This judgment recognized the right to emergency medical treatment as part of the right to life.

His Holiness Kesavananda Bharati Sripadagalvaru and Ors. v. State of Kerala and Anr

In this case plethora of things held by the Apex Court but the most important thing which they held was the Parliament can amend the whole constitution except the 'basic structure' **Doctrine of Basic Structure** which is a touchstone for all constitutional amendments done by the Parliament in contemporary days.

Vishaka v State of Rajasthan

The court established guidelines to prevent sexual harassment at the workplace, expanding the ambit of *Article 21* to include gender equality.

Vellore Citizens Welfare Forum v. Union of India

Supreme Court through a series of cases declared that Right to have a clean and healthy environment is part of our fundamental rights and we cannot do development on the cost of the environment.

Naz Foundation v Government of NCT of Delhi

The Delhi High court decriminalized consensual homosexual acts, interpreting *Article 21* to include the right to privacy and equality.

Shayara Bano vs Union of India

'**Triple Talaq**' or '**Talaq-e-biddat**' on the ground that it was **violative** of *Article 21* also the Hon'ble Supreme Court laid down a test i.e. '**Essential Religious Practice**' which will help future judges to decide matter relating to religion.

High Court On Its Own Motion v. State of Maharashtra

The Hon'ble Bombay High Court held that right to have safe roads is imparted under *Article 21* and its violation will lead to compensation to the victim.

IV. ARTICLE 21 AS A LIVING CONCEPT

As society progresses, the interpretation of what constitute life and personal liberty naturally expands. This flexibility ensures that *Article 21*



remains dynamic and evolving concept and will always open for interpretation.

For instance, the right to privacy, recognized in the K.S Puttaswamy case(2017) and the right to live with dignity then become the part of Article 21. This evolving nature reflects the idea that “*as human needs and societal norms changes, so too does the interpretation of fundamental rights*”.

Hon’ble Justice D.Y Chandrachud have emphasized that “*Article 21 is no static provision but a living one, adaptable to the times. This Adaptability ensures that the law continues to protect and uphold human dignity in all its dimensions*”.

V. ARTICLE 21 SHAPES CRIMINAL LAWS, SOCIETAL MORALITY AND BALANCES SOCIETAL AND INDIVIDUAL INTEREST

Article 21 of the Constitution centered on the right to life and personal liberty, has increasingly served as a touchstone for readjusting what should or shouldn’t be treated as criminal laws. In recent times, it has helped decriminalize actions like adultery, recognizing them as aspects of personal autonomy rather than state- imposed morality. At the same time, Article 21 also supports the criminalization of actions that infringe on individual dignity in evolving societal context. In this way Article 21 balances state and individual interest as society progresses.

VI. CONCLUSION

After analysis, we can ultimately say that

1) “*The right to life and personal liberty is not limited to just being alive but it includes the right to live with dignity, freedom and basic human values/ this court made it clear that life means a meaningful and quality existence, not a mechanical survival and any law affecting such life and personal liberty must be just, fair and reasonable.*” – *Maneka Gandhi case*

2) Article 21 is open for interpretations, growths and expansions with all its natural limits by giving gives the term “life” and “personal liberty” and “procedure established by law” a purposive interpretation.

3) Article 21 decides what should or should not be treated as crime by protecting personal freedom.

4) Article 21 led to remove laws that interfere with private choices and It allows punishment for act that harms a person’s dignity.

VII. RECOMMENDATIONS

1) The term individual autonomy should be treated as the core guiding principle which interpreting Article 21. Personal decision related to one’s body, relationship and choices must be viewed as inseparable from the term “right to life”.

2) There are many challenges related to this concept also which should be given a purposive interpretation or a harmonious construction like on one hand marriage is diluting personal autonomy which demands that consent must remain central even within domestic relationships and on other hand we need to protect sanctity of marriage also. So, whenever there is a conflict between societal and individual interest, it is duty of the state to interpret the law in a manner that the purpose of law should remain intact.

3) Constitutional interpretation should “*respond to social realities and capable of absorbing new dimensions of rights as society evolves. This ensures that the constitution remains a living instrument rather than a static document.*”

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