



THE RIGHT TO LIFE IS A BASIC HUMAN RIGHT

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ABSTRACT

Two fundamental human rights, the right to life and the right to personal liberty, are guaranteed under Article 21. These two Rights are protected by this Article, subject only to the legal processes that have been created. The Indian Constitution's Article 21 specifies the sole circumstances in which this clause may be invoked: when a person's right to life and freedom has been taken away by the government. The study's overarching goal is to investigate the varied perspectives of the Indian Supreme Court on Article 21 and associated case laws, particularly as they pertain to the fundamental human rights of the Right to Life and Personal Liberty in India. the Constitution. In addition to the protection of one's life and freedom from arbitrary government interference. Life and liberty, private property, and independence from government interference are all guaranteed in the Constitution, as was the right to freely pursue one's own economic interests from a capitalist perspective. One of the few exceptions to the right to life guaranteed by the Constitution is the right to due process and personal liberty. At the beginning, only cases involving issues of life and liberty under the Constitution would be accepted under these special filing conditions.

KEYWORDS Article 21, human rights, Right to life, Constitution

INTRODUCTION

The right to one's own life is the most basic of human rights. All other rights enhance the life in question and are contingent on the existence of life itself. Human rights can only be attached to living things, hence it seems to reason that the right to life itself would be, in a way, first, since all the other rights would be meaningless without it. If Article 21 had been taken in its original spirit, there would be no Fundamental Rights worth noting. In this Part, we'll look at how the Indian Supreme Court has interpreted and implemented the right to life. Article 21 of the United States Constitution defines "life" as more than just the ability to breathe. That doesn't imply living like an animal or a life of constant tedium. It covers a far broader range of issues, such as the right to a life of respectable comfort, the right to work that doesn't jeopardize one's health, the right to breathe unpolluted air, etc. The right to life encompasses all that makes a man's life important, fulfilling, and worth living; it is essential to our mere existence as human beings. There is no other Article of the Constitution that has been given such a wide interpretation. As such, the absolute

essentials, the bare minimum, and the fundamental necessities for a human being, based on the idea of the right to life.

The case *Francis Coralie Mullin v. Union Territory of Delhi* established that socioeconomic rights fall within the purview of Article 21. The Supreme Court was asked to rule on whether or not a person under preventive custody was entitled to communicate with his attorney and loved ones. Notwithstanding the fact that the case at hand solely involved this specific problem, the Court, headed by Justice Bhagwati, saw an opportunity to further broaden the scope of Article 21. The court decided that the right to life included the larger right to "live with human dignity." Subsequent cases decided by the Supreme Court relied on this interpretation to uphold individuals' entitlements to a variety of basic necessities, such as an education (*Unni Krishnan v. State of A.P.*), food (*PUCL v. Union of India*, Writ Petition (Civil) No. 196 (2001)), shelter (*Olga Tellis v. Bombay Municipal Corporation*), health care (*Paschim Banga Khet Mazdoor Samity v. Hence*), a spectrum of socioeconomic rights amenable to the court system has been established.

LITERATURE REVIEW

Bhattacharjee, Dr. (2022) Right to personal growth is at the heart of the concept of human rights. Both citizens and noncitizens take their rights with them wherever they go. Human rights are fundamental to everyone's growth and development simultaneously. India's fundamental rights, which are reflected in numerous clauses of the country's constitution, have their roots in the most fundamental aspects of human life. Nonetheless, the fact remains that there are both clearly defined and ambiguous basic rights. The most crucial aspect, however, is that India has a law on the books called the Protection of Human Rights Act, 1993, the purpose of which is to prevent and punish any grave infringement of human rights. There is no greater example of democracy than India. We have an obligation to uphold the fundamental liberties of our citizens as a democratic nation. The Indian government has also carefully considered the need of promoting and safeguarding human rights. The Constitution of India grants such protections to the people and makes them a matter of universal concern. Forced labor, forced prostitution, unethical trafficking, poor salaries, gender discrimination, etc. are all examples of human rights violations that persist today.

Ausaf, Ahmad & Malik, Ausaf (2021) Human rights are the basic freedoms and protections that all people everywhere are entitled to by virtue of being human. These rights apply equally to all people regardless of their background (including ethnicity, gender, sexual orientation, religion, language, etc.). The researcher argues in this study that the Indian court has a significant role to play in upholding human rights. In an effort to understand how justice and the law might best safeguard human rights, this article provides a critical analysis of those concepts. India's involvement in ensuring the survival of these protections after independence was crucial. The full Bill of Rights has not been put into India's constitution because of the country's lack of effort to make it a reality. The Indian judicial system has been instrumental in making these protections a reality. Hence, as the highest interpreter, defender, and guardian of the constitution, the court has accepted all legislative, administrative, and judicial or quasi-judicial authorities within the framework of the law. All governmental activities are subject to judicial scrutiny. It is undeniable that the court, under a constitution that guarantees individual liberties, has the authority and duty to safeguard such liberties against tyrannical or unjust government action.

Khvostova, Margaryta (2020)This book provides a window into the current conversation on human rights by giving an empirical study of the most often debated themes in this area of inquiry. It provides a thorough introduction to the field of human rights theory, but its primary goal is to strengthen the concept's shaky structural coherence, which has been weakened by the proliferation of new rights and promises. The outcome is a list of subjects as diverse as transitional justice, forgiveness, and animal rights, which was initially intended as a short list of individual liberties to limit the arbitrary powers of the government. These issues need investigation and discussion, but it will take considerable thought and improved reasoning to determine where they belong in the framework of human rights philosophy. The book examines the evolution of our conceptualization and application of human rights and comes to the conclusion that our knowledge has lagged behind our actions. It provides an overview of the current discourse on human rights, outlining the key trends and evaluating their potential effects based on empirical research. The book's most valuable contribution is its proposal of a fresh, centralized framework for organizing human rights work, one that does not ignore established ways of classifying such work. Using the theoretical hierarchy of human rights as a guide for practical implementation, this model seeks to strengthen the concept's foundational tenets by highlighting the significance of civil and political liberties.

Balogun, Noah (2019)To understand the Nigerian perspective on problems of inalienable and basic human rights, we must first examine the thorny idea of human rights, which is generally agreed upon to be founded on a set of universally shared principles and to trace its origins back to the dawn of civilization. Although if researchers can't seem to settle on a single definition of human rights, they can agree that it centers on protecting people's "dignity," or the sense of worth that serves as a foundation for individual identity and as a force for good in the world. This chapter, then, delves into the concept of human rights and examines Nigeria's performance on human rights concerns.

Alam, Khabirul&Halder, Ujjwal (2018)Human rights include all societal protections at the current time. In today's culture, it is impossible to function as a human being without respect for basic human rights. Human rights are the universal standards to which no one, regardless of their race, caste, gender, faith, religion, or any other distinguishing factor, may be arbitrarily denied.

RIGHT TO A CLEAN ENVIRONMENT AS A RIGHT TO LIFE

As mining threatened to destroy the Mussoorie Hills, the Doon Valley Case (AIR 1985 SC 652) used Art. 21 to prohibit it. The Supreme Court ruled that protecting natural resources and guaranteeing people access to clean air and water were both part of Article 21. In *M. C. Mehta vs. Union of India* (AIR 1988 SC 1037), the Supreme Court of India ruled that the installation of a pollution treatment facility is a condition precedent to the launch and operation of any business. "A tannery that cannot establish a primary treatment plant, just like a business that cannot pay its employees minimum wages, cannot be permitted to operate," the study states. The *Oleum Gas Leak Case* (AIR 1986 SC) upheld the principle of absolute liability for a polluting activity that made use of potentially dangerous industrial procedures. This was another writ issued under Article 21 of the Constitution. A company that "engaged in hazardous or intrinsically dangerous industrial activity that poses a possible threat to the health and safety of individuals working in the factory and living in the surrounding area was required to provide compensation for the injuries caused," as Bhagwati C.J. stated in this case. "As the English courts noted in *Rylands v. Fletcher*,

there are limits and exceptions to the concept of boundless responsibility that should be brought to light for the general public's information. "Because we are limited in what we can do in India, I would suggest an untested idea of culpability in English law courts. The presence of hazardous or inherently risky enterprises inside an industrial economy means that we must not be afraid to create novel liability standards to address the extraordinary problems that have developed and will continue to do so."

Enumeration Of Fundamental Rights In India's Constitution

The Third Part of the Indian Constitution is dedicated to "Fundamental Rights," which includes the following guarantees: a) Sections 14, 15, and 16 of the UN Charter. Six freedoms are protected under Article 19. To ensure the safety of free expression and speech (a). a) The freedom to congregate without resorting to violence. b) The freedom to form and/or join associations or other types of groupings. The freedom to go about anywhere within of India without a visa. The freedom to select one's place of residence inside India; f) the ability to work at any profession, trade, or company that one chooses. Articles 20–22 protect the individual's right to life and freedom. This is a constitutional right protected by Articles 25, 26, 27, and 28. U.N. Convention on the Rights of the Child, Articles 29 and 30. Article 31 deals with a person's right to private property, which brings us to number six. This protection was reestablished in the Constitution thanks to Article 300 A, the 44th Amendment, (9) Articles 23 and 24 of the Universal Declaration of Human Rights, and Article 32, the "Right to Constitutional Redress.

Distinguishing Right from Good and Neutrality of State

Fundamental rights and bills of rights are seen as problematic since they would make states less likely to violate citizens' rights by imposing their own ideas about what is desirable. The idea that the State must not impose on its inhabitants its own conception of good is fundamental to the defense of rights as restriction. Taking responsibility for one's own idea of the good life is vital to freedom, and as such, the State has obligations of restraint to avoid imposing its ideas on citizens. Here liberalism departs significantly from Aristotle's view that an objective "good" may be recognized via the use of one's reasoning abilities. Thus, as has been pointed out by Joseph Raz, the State must remain neutral to the legitimate and invalid ideals of good and evil, and as such, the Government cannot be held to a positive responsibility to act, even if doing so would better the condition of things.

Meaning of Social and Economic Rights

Several names, including "economic and social rights," "social rights," "welfare rights," and "socio-economic rights," may be used interchangeably to refer to the same concept. In any case, there is no disagreement on what exactly falls under these rights, albeit providing an extensive illustrated list of what exactly falls under these rights is also a bit of a stretch. According to Katharine G. Young, a person's right to food, water, shelter, health care, education, and social security — or what we would call the bare necessities for a decent life — constitutes a person's socio-economic, or social, right.

RIGHTS IN THE INDIAN CONSTITUTION

Human Rights In India

Given that India was an early signatory to the International Covenant on Civil and Political Rights in 1966, it is not surprising that the Constitution's framers were moved by the concept of human rights and subsequently recognized and protected most of the rights that were enshrined in that document. The Indian Constitution's Preamble includes the phrase "dignity of the person," which is indicative of the country's high standards of living.

Right To Life And Personal Liberty

Article 21 of our Constitution guarantees everyone the right to life and freedom. No one shall be deprived of life or liberty unless in accordance with legal process. turns to the first sentence and reads it. In the federal territories, "no individual shall be deprived of life or personal liberty without due process of law," and "no person shall be denied equality before the law." Please have the Constituent Assembly read the original proposal. The Drafting Committee chaired by Dr. B. R. Ambedkar removed the phrase "unless pursuant to process established by law."

Human Rights Are Changing In Nature

"The safeguarding of human rights is important if man is not to resort as a last alternative to rebellion against tyranny and persecution," states the preamble to the Universal Declaration of Human Rights. Primitive societies may not have given much thought to the concept of human rights. Human rights, the cornerstone of natural law theory, may be said to have been initially advocated in the earliest stages of human civilization. The natural law thesis states that every human being is born with certain unalienable rights, including the right to life, liberty, and property. According to Dr. Paras Diwan, human rights were originally seen as benefits for the well-to-do, while the rights of the poor were limited to a few articles in a bill of rights.

ARTICLE 21: RIGHT TO LIFE AND PERSONAL LIBERTY

No one may be taken from this world without following the rules set down by law, as stated in Article 21.

Scope and Ambit of Article 21

The purpose of this basic right, guaranteed by Article 21, is to ensure that no one may be deprived of their life or liberty in any way that is not authorized by law. What this implies is obvious: the state is the sole entity to whom this basic right applies. It is clear that a breach of Article 21 that results from a private individual's infringement on the personal liberty or deprivation of life of another person does not fit within the boundaries set out in the article. Every individual who feels wronged would have recourse under either Article 226 or general law. When a private citizen, with governmental backing, violates the personal liberty or life of another citizen, the violation falls squarely within the scope of Article 21. When we talk about "people," we're talking about both citizens and foreigners. According to the 14th Amendment of the United States Constitution, no state "shall deprive any person of life, liberty, or property, without due process of law; nor shall any state refuse to any person within its jurisdiction the equal protection of the laws."

Procedure Established by Law

Several seminal cases have analyzed the phrase "procedure established by law," and the general consensus is that it refers to a process by which a person's life and freedom are taken away, and that such a process must be "right, just, and fair" rather than "arbitrary, fanciful, and oppressive" to avoid violating Article 21.

In regard to article 21 of the Indian constitution, which guarantees citizens the right to life and freedom, the first ruling to clarify its meaning was:

Maneka Gandhi vs. Union of India

Maneka Gandhi had her passport seized and was prohibited from leaving the country. Basic rights were not violated in the traditional sense. The Supreme Court's position in the A.K. Gopalan Case, in which it proclaimed the Theory of Mutual Exclusivity of Fundamental Rights under Articles 14, 19, and 21, was challenged by Maneka Gandhi. It wasn't until the Supreme Court stepped in that people trusted the judicial system again. All three of these decisions were considered to be landmarks in the field of law and demonstrated a significant shift in judicial philosophy, paving the way for the advent of Judicial Activism.

The Supreme Court not only enlarged the notion of "personal liberty" but also accepted the principle of "due process" in "procedure established by law". If a legislation limits individual freedom, the court must determine whether or not doing so violates any of the rights guaranteed by Article 19. According to the Court, the right to travel abroad is part of "personal liberty," along with "a range of rights which go to form the personal liberty of man," which includes the freedoms listed in Article 19. The court also found that Mrs. Gandhi's passport being impounded without her being given a hearing was contrary to the law under the "audi alteram partem" approach. Fairness and natural justice were at play here. Mrs. Gandhi's right to a hearing before having her passport seized was an issue before the court. The court ruled that the impoundment was invalid since no post-decisional hearing was held. Constitutional Articles 14, 19, and 21 (together known as the "golden triangle") have been used most often to strike down laws or governmental decrees as unconstitutional. There was debate on whether or not the freedom to go abroad was protected by article 21's guarantee of personal liberty.

Right to life

A person in the United States has the constitutional guarantees of life, liberty, and security. In India, the right to life is considered paramount. A person's human rights only apply while they are still alive. Citizenship is worthless without the most precious right of all: the right to life. If Article 21 had been taken in its original spirit, there would be no Fundamental Rights worth noting. This article looks at the right to life as it has been interpreted by the highest court in India on multiple occasions. The right to life encompasses all the facets of existence that contribute to making a human life full, satisfying, and worthwhile, and is therefore essential to human survival.

The protection and nourishment of Article 21 have been essential to the survival and development of a wide variety of rights. In this sense, the concept of the right to life centers on the provision of the absolute necessities, the bare necessities, the minimum requirements, and the basic requirements that are essential and unavoidable for a person to survive.

CONCLUSION

There is evidence that the Indian court system can do a better job of interpreting the latter way if it is applied to the right to life and personal liberty in this section of the test case. Hence, the right to life, as expanded by the Indian Supreme Court, is extensively explained under Article 21 of the Constitution, the right to life of a civilized person. Part 2 of this article on the structure of the Indian court will focus on the role of interpreters and the need for originality in case law in order to define "judicial activism." This is Section 21. India is the biggest independent, secular, democratic republic in the world, yet the country's size and population make human rights a challenging problem there. Basic rights in India are guaranteed under the country's constitution, and they include religious liberty. The separation of powers between the executive and the judicial branches, as well as the right to freely travel inside and beyond the nation, are also guaranteed by several provisions. The nation also boasts a free and fair court system and human rights organizations to investigate violations.

REFERENCE

1. Bhattacharjee, Dr. (2022). An Analytical Research on Human Rights viz a viz Fundamental Rights in India. *Journal of Legal Studies*. 8. 279-302. 10.55662/JLSR.2022.8101.
2. Ausaf, Ahmad & Malik, Ausaf. (2021). Human Rights and Judicial Activism in India. *HuSS International Journal of Research in Humanities and Social Sciences*. 2249-2496.
3. Khvostova, Margaryta. (2020). The Contemporary Discourse of Human Rights: Crossroads of Theory and Practice. 10.26399/978-83-66723-12-2.
4. Balogun, Noah. (2019). Inalienable and Fundamental Human Rights: An Engagement with the Nigerian Side of the Story.
5. Alam, Khabirul&Halder, Ujjwal. (2018). Human Rights and Right to Education in India. 5. 2183-2186.
6. Donnelly, Jack. (2007). The Relative Universality of Human Rights. *Human Rights Quarterly*. 29. 281-306. 10.1353/hrq.2007.0016.
7. Aparna, Meduri. (2006). Article 21 of Indian Constitution - Mandate for Life Saving. *SSRN Electronic Journal*. 10.2139/ssrn.906704.
8. O'Neill, Onora. (2005). The Dark Side of Human Rights. *International Affairs*. 81. 427 - 439. 10.1111/j.1468-2346.2005.00459.x.

9. Nelson, Paul & Dorsey, Ellen. (2003). At the Nexus of Human Rights and Development: New Methods and Strategies of Global NGOs. *World Development*. 31. 2013-2026. 10.1016/j.worlddev.2003.06.009.
10. Sharma, Shridhar. (2003). Human rights of mental patients in India: A global perspective. *Current Opinion in Psychiatry*. 16. 547-551. 10.1097/00001504-200309000-00010.
11. Matthan Rahul; *Privacy 3.0: Unlocking Our Data-Driven Future*, Harper Collins, 2018.
12. TanejaRishika and SidhantKumari; *Privacy Law: Principles, Injunctions and Compensation*, Eastern Book Company, 2014.
13. Alka Mookerjee and Soumya Ray Chowdhary, "Information Privacy or Data Protection Laws : Scope and Ambit," *Corporate Law Advisor*, February 2004, Vol. 10 (Suppl.), pp. 21-29, 36.
14. AmitLudri, "Recognition of Right to Privacy Through Convention Jurisprudence with Special Reference to U. K. and India," *Indian Bar Review*, January-March 2001, Vol. 28, pp. 113-22.
15. B. S. Jagjeevan Kumar, "Right to Privacy under Indian Constitution", *Andhra Law Times*, 2003, Vol. 2, pp. 23-26.