



THE RIGHT TO LIFE AND INDIAN CONSTITUTION: A STUDY OF CONSTITUTIONAL MORALITY AND HUMAN DIGNITY

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ABSTRACT The 'Right to Life' is a fundamental right under Article 21 of the Indian Constitution, which serves as the cornerstone for protecting individual liberty and personal security in India. Constitutional Morality and Human Dignity are key principles that shape the interpretation of Article 21. The term 'Constitutional Morality' refers to the ethical and moral principles that guide the interpretation of the Constitution, ensuring justice, fairness, and equality in society. It involves upholding the core values of the Constitution, including liberty, equality, and fraternity, which form the basis of the democratic framework. The Supreme Court of India has interpreted the right to life not merely as the right to exist but as the right to live with dignity. The idea is that every individual is entitled to a life that is free from inhuman or degrading treatment, ensuring a life of respect and opportunity.

KEYWORDS : Constitutional Morality, Human Dignity, Individual Liberty.

INTRODUCTION

The "Right to Life" is one of the fundamental rights guaranteed under the Indian Constitution. It is enshrined in Article 21, which states: "*No person shall be deprived of his life or personal liberty except according to procedure established by law.*" It specifically deals with the protection of life and personal liberty, but the exact scope and contours of the right have been shaped significantly by judicial interpretations. Initially, the Right to Life was understood narrowly to mean only the right to be alive, i.e., protection from arbitrary deprivation of life or liberty. However, judicial interpretation has played a pivotal role in broadening this scope, giving the right substantive meaning beyond mere survival. The concept of constitutional morality has been pivotal in expanding the interpretation of Article 21 to include not just the right to survival but also the right to live with dignity and human autonomy. Constitutional morality refers to the commitment to and adherence to the core values and principles that buttress the Constitution of a country. In the Indian context, it encapsulates the values of justice, equality, liberty, fraternity, human dignity, and the rule of law that guide the functioning of the state, the interpretation of laws, and the protection of individual rights. It is distinct from majoritarian morality or social morality, which may be shaped by popular opinions or cultural norms. While these societal morals can vary across time and place, constitutional morality is rooted in the text of the Constitution and remains constant, irrespective of changing political or social climates. It demands that all state actions, legislative decisions, and judicial interpretations align with the spirit and letter of the Constitution.

The Indian Constitution, like many modern democratic constitutions, guarantees a set of Fundamental Rights (Part III of the Constitution), including right to life (Article 21), right to equality (Article 14), right to freedom (Articles 19-22), and right to freedom of religion (Article 25), among others. These rights are meant to safeguard individuals' freedoms and dignity from arbitrary state action or societal oppression. However, interpreting these rights effectively requires a guiding framework to ensure that the spirit of the Constitution is preserved, particularly when there is ambiguity or potential conflict between different rights, state power, and societal norms. This is where constitutional morality comes into play. It acts as a guiding principle that ensures the fundamental rights are interpreted in a manner that reflects the core values of justice, equality, and human dignity embedded in the Constitution. In true sense, constitutional morality serves as the moral compass for both the legislature and the judiciary when interpreting and applying fundamental rights, ensuring that the rights of individuals are upheld in a manner consistent with the Constitution's democratic ethos.

The Evolution of the Right to Life under Article 21

In the landmark case *Kharak Singh vs. State of Uttar Pradesh* (1963)¹, the early interpretation of Article 21 of the Indian Constitution, which guarantees the fundamental right to "life and personal liberty", was pivotal in shaping the jurisprudence of personal liberties in India. In *Kharak Singh*, the Supreme Court's interpretation of Article 21, especially in its early jurisprudence, was relatively narrow. The Court, in its judgment, held that the term "personal liberty" under Article 21 did not extend to the right to privacy as an intrinsic part of personal

liberty. It reasoned that Article 21 only protected against arbitrary deprivation of life and personal liberty, but did not explicitly protect against government surveillance or infringement upon personal privacy unless such actions directly threatened a person's life or liberty. The Court interpreted "personal liberty" in a limited sense, focusing on physical restraint or confinement. It distinguished between the broader concept of privacy (which includes the right to be free from surveillance) and the more immediate concerns of personal liberty in terms of bodily restraint or harm.

The *Kharak Singh* decision was controversial because it downplayed the importance of privacy as an essential element of personal liberty. The Court, at that time, failed to acknowledge privacy as a fundamental constitutional right under Article 21, which was later rectified in the *Right to Privacy* case (2017), where the Supreme Court recognized the right to privacy as an intrinsic part of the right to life and personal liberty under Article 21. In subsequent years, the interpretation of Article 21 evolved to encompass a broader scope, especially with regard to personal freedoms and privacy. The *Kharak Singh* case is now viewed as an early and narrow interpretation of Article 21 before the jurisprudence around privacy expanded. The scope of Article 21 was interpreted narrowly, but over time, the Court's rulings have broadened its meaning to encompass a wide range of rights and protections related to personal dignity, privacy, and the broader concept of human rights.

In the *Maneka Gandhi vs. Union of India* case (1978)² marked a revolutionary shift in the interpretation of Article 21. The case arose from the government's decision to impound the passport of Maneka Gandhi without providing any detailed reasons. She challenged the action, arguing it violated her right to freedom of movement and personal liberty under Article 21.

The Supreme Court in this case held that Article 21 guarantees not just protection against arbitrary action, but also mandates that any deprivation of life or personal liberty must follow a procedure that is fair, just, and reasonable. The Court emphasized that the procedure must be consistent with the principles of natural justice, extending the scope of Article 21 far beyond just physical restraint. Additionally, the judgment expanded the scope of personal liberty to include rights beyond mere physical freedom. It included the right to freedom of movement, the right to privacy, and other civil liberties. The Court further held that the Right to Life under Article 21 is not confined merely to protection against unlawful deprivation of life or liberty but includes various aspects necessary for the development of the human personality, such as the right to live with dignity.

In *Francis Coralie Mullin vs. The Administrator, Union Territory of Delhi* (1981)³ case, the Supreme Court dealt with the conditions in the Tihar Jail in Delhi. The petitioner, Francis Coralie Mullin, argued that the poor and inhumane conditions in jail violated her fundamental rights under Article 21. The Court examined whether the right to life under Article 21 extends to ensuring that a person is not subjected to inhumane and degrading treatment. The Court, in this case, expanded the Right to Life to include the right to live with dignity. It held that Article 21 not only protects the right to be free from physical restraint

but also guarantees that every person shall have access to basic human dignity, which cannot be taken away, even by the state.

In the *Olga Tellis Bombay Municipal Corporation* (1985)⁴ case, the Supreme Court examined the right of pavement dwellers to not be evicted without prior notice and adequate rehabilitation. The petitioners contended that their eviction violated their right to life under Article 21.

The Court held that the Right to Life under Article 21 extends beyond mere survival and includes the right to livelihood, especially when an individual's livelihood is threatened by arbitrary state action. The Court observed that the right to life is linked to the right to live with dignity, which includes the right to work and earn a livelihood. It was concluded that the right to livelihood is an integral part of the Right to Life.

The Vishaka case⁵ arose after the gang rape of a social worker, Vishaka, in Rajasthan. The Supreme Court was called upon to examine the legal framework regarding sexual harassment of women in the workplace. In the absence of legislation on this issue, the Court crafted guidelines to address sexual harassment at the workplace.

The Court held that the Right to Life under Article 21 includes the right to live with dignity and the right to work in a safe environment. The Court recognized that sexual harassment violates the dignity of women and obstructs their ability to work in a free and fair environment, thus expanding the scope of the Right to Life to include the right to protection from sexual harassment in the workplace.

In *R. Rajagopal vs. State of Tamil Nadu* (1994)⁶ case, the Supreme Court dealt with the issue of right to privacy in the context of publishing a biography of a public figure, Auto Shankar, without his consent. The petitioner argued that this violated his right to privacy.

This case was a turning point in the recognition of privacy as an integral part of the Right to Life under Article 21. The Court ruled that the Right to Life includes the right to privacy, which is an essential aspect of an individual's personal liberty and dignity.

The *Puttaswamy vs. Union of India* (2017)⁷ case is one of the most important recent judgments regarding the Right to Privacy in India. The case arose from the challenge to the constitutionality of the Aadhaar project, arguing that it violated the right to privacy. In this historic decision, the Supreme Court declared that the Right to Privacy is a fundamental right protected under Article 21. The Court expanded the scope of Article 21, recognizing that privacy is an essential aspect of personal liberty and dignity. This ruling marked a paradigm shift, confirming that the Right to Privacy is integral to the Right to Life under the Indian Constitution.

The scope of the Right to Life under Article 21 has evolved significantly through these landmark judgments. The initial interpretation of Article 21, which was focused on mere physical liberty, has expanded to include the right to live with dignity, the right to livelihood, the right to privacy, and protection from inhumane treatment. These rulings have ensured that the Right to Life is not only a protection against arbitrary state action but also a guarantee of a wide array of personal freedoms and rights essential for human dignity.

Constitutional Morality and Its Interpretation Judicial Articulation

Constitutional morality is a concept that refers to the adherence to the fundamental values and principles enshrined in a nation's Constitution. It goes beyond mere legal interpretation and demands a commitment to the broader ideals of democracy, justice, equality, human dignity, and the rule of law. Constitutional morality emphasizes the importance of respecting the spirit of the Constitution and its ethos, as opposed to rigidly adhering to literal interpretations of its provisions or catering to temporary political majorities. The idea of constitutional morality has been articulated by both scholars and judges as a framework for interpreting the Constitution and ensuring that the state's actions and policies reflect its fundamental principles. It is a way of understanding how the Constitution should influence the actions of both the state and individuals in a society. Both scholars and judges have emphasized that constitutional morality is an essential safeguard for democracy, ensuring that the Constitution is not merely a document but a living instrument that governs and guides the conduct of the state, society, and individuals. Constitutional morality acts as a guiding principle in

ensuring that fundamental rights, including the Right to Life, are protected against arbitrary state action or societal pressures. The Supreme Court of India has, on several occasions, invoked the idea of constitutional morality to strengthen democratic values and protect rights against encroachment by majoritarianism or authoritarianism.

The concept of constitutional morality was implicitly invoked when the Supreme Court introduced the "basic structure doctrine" in the *Kesavananda Bharati Case* (1973)⁸. The Court ruled that certain fundamental features of the Constitution, like democracy, rule of law, and the separation of powers, could not be altered by amendments. This doctrine underlined the idea that the Constitution's core values must be preserved irrespective of political shifts. The Supreme Court's decriminalization of Section 377 of the Indian Penal Code, which criminalized consensual same-sex relations, was a clear articulation of constitutional morality in *Navtej Singh Johar v. Union of India* (2018)⁹. The Court held that the law violated the right to equality and dignity of LGBTQ+ individuals, which are foundational principles of constitutional morality. The decision emphasized that constitutional morality demands inclusivity and the protection of individual rights against societal prejudice. Recently in *Sabarimala Case* (2018)¹⁰ case of Indian Young Lawyers Association v. State of Kerala, the Court's decision to allow women of menstruating age to enter the Sabarimala temple was based on the principle of constitutional morality. The judgment emphasized that the right to equality under Article 14 and the right to freedom of religion under Article 25 should be balanced, but ultimately, the spirit of the Constitution requires the elimination of gender-based discrimination, even if rooted in religious traditions.

Human Dignity as an Integral Component of the Right to Life

The concept of human dignity has been increasingly recognized as an integral and essential part of the Right to Life under Article 21 of the Indian Constitution. Over time, the Supreme Court of India has evolved its jurisprudence to incorporate human dignity as a fundamental aspect of the right to life, significantly broadening the scope of Article 21. Human dignity is widely recognized as the foundation upon which all human rights rest. The Right to Life under Article 21 is not just about the physical survival of an individual but encompasses the idea that every individual must be allowed to live a life with respect, honour, and equality. Human dignity, therefore, ensures that individuals are not subjected to degrading, humiliating, or dehumanizing treatment, and that they can live with respect and the freedom to pursue a life of their choosing.

In *Navtej Singh Johar vs. Union of India* (2018)¹¹ case, the Supreme Court recognised sexual autonomy and the right to express one's identity are critical components of human dignity. The ruling reinforced that the Right to Life under Article 21 must protect individuals' dignity against discrimination, including on the grounds of sexual orientation.

The discourse on euthanasia, assisted suicide, and the right to die with dignity has evolved significantly across the globe, encompassing ethical, legal, medical, and social dimensions. In the Indian context, this debate has been particularly influenced by landmark judgments such as *Aruna Shanbaug vs. Union of India* (2011)¹² and *Common Cause vs. Union of India* (2018)¹³. These cases have shaped the legal landscape, especially with regard to the rights of terminally ill individuals and those who are unable to make decisions about their own lives due to incapacitation.

While proponents of euthanasia and assisted suicide argue that individuals should have the right to end their lives with dignity, opponents often cite moral, religious, and ethical objections. In many cultures, including India, the sanctity of life is deeply embedded in religious and philosophical traditions, and euthanasia is seen as morally wrong.

The evolving discourse on euthanasia, assisted suicide, and the right to die with dignity reflects the broader global debate on autonomy, dignity, and the role of the state in personal medical decisions. While the Supreme Court's rulings in *Aruna Shanbaug* and *Common Cause* have made significant strides in recognizing the right to die with dignity, they also emphasize the importance of safeguards and judicial oversight. The challenge moving forward will be to develop a comprehensive legal and ethical framework that respects individual autonomy while protecting vulnerable individuals from potential exploitation or coercion. The discourse will continue to evolve, reflecting both changing societal values and advances in medical

technology and understanding.

Moreover, in *Unni Krishnan vs. State of Andhra Pradesh* (1993)¹⁴ and *People's Union for Civil Liberties vs. Union of India* (2004)¹⁵ case, the Supreme Court has linked access to basic necessities such as education, health, and shelter with the right to life.

Judicial Responses and Constitutional Morality

Both *Aruna Shanbaug* and *Common Cause*¹⁶ highlight the judicial tendency to interpret the Constitution dynamically, adapting to contemporary moral, social, and medical contexts. This approach can be seen as judicial activism, where courts actively shape laws and societal norms to reflect the evolving nature of constitutional values, even in areas where the legislature has not yet acted.

In these cases, the judiciary emphasized the principles of justice, liberty, and dignity, which are central to the Constitution, while engaging with complex ethical dilemmas that modern medicine and society present. The role of the Court is not just to apply the law but to ensure that it remains relevant to the lived realities of citizens, particularly in areas of personal freedom and human dignity. By invoking constitutional morality, the courts have ensured that laws and legal interpretations align with the broader values of equality, dignity, and justice. The judgments reflect a commitment to ensuring that vulnerable individuals, such as those in vegetative states or terminal illnesses, are treated with respect, and their rights to personal autonomy and dignity are safeguarded.

Despite these cases, in *Shreya Singhal vs. Union of India* (2015)¹⁷ and *Navtej Singh Johar vs. Union of India* (2018)¹⁸ cases, the Supreme Court has interpreted the Right to Life in the context of freedom of speech and expression. In *National Legal Services Authority v. Union of India* (2014)¹⁹ case, the Supreme Court has recognized the rights of transgender individuals to live with dignity, as part of the Right to Life. The right to life is a multifaceted concept that encompasses not just the right to be alive, but the right to live with dignity, autonomy, and freedom from unnecessary suffering. The Indian judiciary, through its progressive rulings, has ensured that the right to life evolves to meet contemporary needs, especially in cases of terminal illness and euthanasia. However, it is not only the judiciary's role to protect these rights; the legislature must also act by enacting clear laws that safeguard individual autonomy and dignity, while offering robust protections against misuse. Society, for its part, must foster a culture of understanding, compassion, and ethical reflection, ensuring that the right to life is upheld in all its dimensions.

Together, these three pillars—the judiciary, the legislature, and society—must collaborate to protect the right to life in all its aspects, ensuring that each individual is able to live and die with dignity, free from suffering, and in accordance with their personal values and choices. The ongoing responsibility is not just legal but moral, and it requires continuous engagement, reform, and compassion to protect and preserve the sanctity of life in modern India.

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