

Article 21: Right to Life and Personal Liberty

Constitutional Law · Fundamental Rights

What Article 21 Says

Article 21 of the Constitution of India provides: 'No person shall be deprived of his life or personal liberty except according to procedure established by law.' Though brief, it is one of the most expansively interpreted provisions in the Constitution.

From a Narrow Reading to an Expansive One

In *A.K. Gopalan v. State of Madras* (1950), the Supreme Court read Article 21 narrowly — any 'procedure established by law', however unfair, was held sufficient. This changed dramatically in *Maneka Gandhi v. Union of India* (1978), where the Court held that the procedure must itself be fair, just and reasonable, effectively reading Articles 14, 19 and 21 together.

Rights Read Into Article 21

- Right to a speedy trial and to legal aid for the accused.
- Right to live with human dignity and a means of livelihood.
- Right to a clean and healthy environment.
- Right to privacy, affirmed as a fundamental right in *Justice K.S. Puttaswamy v. Union of India* (2017).
- Right against solitary confinement and custodial torture.

Why It Matters for Every Citizen

Because Article 21 applies to 'any person' (not just citizens), it protects foreign nationals in India as well. Its expansive interpretation is why courts have been able to address issues ranging from prison reform to environmental protection under a single, compact constitutional guarantee.