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New dimensions of Article 21: Impact of Maneka Gandhi's case

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The Supreme Court of India has now known as an activist court, the reason is enough of its judicial activism is based on the interpretation of the meaning of Article 21 of the Indian Constitution. PILs, in the majority, have been filed under this article only. This is also why the Supreme Court finds its strength in Article 21. There have been various changes in the interpretation of this provision and the attitude of the Supreme Court over some time. After the national emergency in the year 1975 and the Maneka Gandhi case, one can witness an exquisite shift in juridical stance towards the defense of individual discretion. The judicial pronouncement made before Maneka's case was not satisfactory concerning Article 21 whereas, after the judgment of Maneka's case, new dimensions to Article 21 came forward. The Supreme Court has reinterpreted the phrase in light of Article 21 after the case of Maneka Gandhi in which it states that the right to live does not merely confine to the right to live but to live with dignity, keeping in mind not just the viewpoint of the accused or criminal, but also that of society and the victims.

Keywords: *article 21, supreme court, maneka gandhi, interpretation.*

INTRODUCTION

The Indian Constitution ensures its inhabitants' enjoyment of six distinct fundamental rights. Among others, the right to life and personal liberty is protected by Article 21, allowing them to lead an unrestricted existence. Although in judgments decided before the Maneka Gandhi case,

the Apex Court has not completely construed the aforementioned Right to Life and Personal Liberty granted under Article 21. The Maneka Gandhi case has expanded the scope of Article 21.

SCENARIO OF ARTICLE 21 BEFORE THE MANEKA GANDHI CASE

The construction of the phrase "life and personal liberty" became a judicial issue in Gopalan's case as early as the Indian constitution went into effect. Since the Highest Court in Gopalan's case determined that the substance and the actual content of Articles 21 and 19 (1) (d) are not alike but began from different concepts, the reach of Article 21 was somewhat smaller up to the 1950s. The term "deprivation" was used in a restricted sense. Deprivation does not limit the freedom to roam independently, which was covered by Article 19 (1), it was decided in this case (d). During that time, Gopalan's case was the most important one involving Article 21 and a few other Constitutional provisions.

However, after Gopalan, the situation regarding the application of Article 21 gradually changed due to various decisions made by the Apex Court, and it was decided that any restrictions placed on an individual while they are detained or interfered with their freedom at home would require the executive power of the law. After the Gopalan case, the question of whether it is possible to evaluate the rationality of a penal statute in relation to Article 19 remained. In the Maneka Gandhi v Union of India decision, the Apex Court established an advanced principle and ruled that the process could not be capricious, unjust, or vexatious. Where Article 21 outlined a process for robbing someone of their life or personal freedom, it placed limitations on the state.

It was unclear if Article 21 considered any procedure that was outlined in law that was ratified by a legislative or if the approach just needed to be just, fair, and reasonable. Gopalan provided evidence to urge the ultimate court to rule that the court system may evaluate the Preventive Detention Act or, for that matter, any other statute restricting someone's liberty, on the basis of its reasonableness. The terminology "procedure established by law in Article 21", was an arguable one in this case. it was argued in respect of the terminology that it was equivalent to the phrase "due process of law of the American constitution," and that the Preventive Detention

Act—or, for that matter, any law denying a person their personal liberty—thus passed the test of reasonableness. According to Gopalan's case, personal liberty meant freedom from the physical restraint of a person. But it was abandoned in Maneka Gandhi's case and since then new dimensions have been added to this concept of personal liberty. [1]

MANEKA GANDHI'S CASE

In the year 1978, Maneka Gandhi's case was decided which marked a multidimensional impact in interpreting fundamental rights of the constitutional law in India. The case arose in 1977 just after the national Emergency when Janta Party came into power. Maneka Gandhi was the founder and editor of the magazine Surya. A passport was issued in 1967 under the Passports Act to her. When the Janta party came into power Maneka began utilising the publication Surya as a forum to boost the reputation of the Congress party and attack the Janta party's politicians.

When she planned to travel overseas in 1977, Her passport had been seized by the Indian government for the public good, she was told. She immediately sent a letter to the regional passport officer asking for a copy of the justifications for such a directive. The reasons were never explained by the government. Her passport had been seized by the Indian government for the public good, she was told. She immediately sent a letter to the regional passport officer asking for a copy of the justifications for such a directive. The reasons were never explained by the government.

Under Article 32 of the Indian Constitution, she petitioned the Supreme Court with a writ disputing the rulings as it was without providing any explanation. She contested the order's legality in the writ on the following grounds-

i. Section 10(3)(c) violated Article 14 since it granted an arbitrary power and did not allow the passport bearer to be heard before the passport was seized.

1 Patrick Reed, 'Article 21 of the Constitution of India After Maneka Gandhi's Case' (*Study Moose,* 19 April 2016) <http://studymoose.com/article-21-of-the-constitution-of-india-after-maneka-gandhis-case-essay> accessed 15 September 2022

ii. Since Section 10(3)(c) did not specify "process" as that term is defined in Article 21, it violated that provision.

iii. Section 10 (3) (c) was unlawful because it allowed for the imposition of restrictions not covered by Article 19(1)(a) or (g) clauses (2) or (6). [2]

In Maneka Gandhi's case, the Apex Court declared that a person's life or freedom must be taken away in a just, fair, and reasonable manner. Natural Justice, which is a critical component of a fair process under Article 21, must be met. Natural justice is distilled from due process. The Supreme Court found that the Indian government's refusal to issue her a passport was arbitrary. The highest court decided that the procedure provided in Article 21 must pass the reasonableness test in order to comply with Article 14 because unfairness and unreasonableness are fundamental elements of equality and non-arbitrariness, both of which pervades Article 14 like a melancholy pervasiveness.

Finally, the court ruled that exercising one's freedom to leave the country falls under the category of personal liberty protected under article 21, so the actions of the government did not satisfy article 21 and article 14. The court stated that procedures established by law should also have to be 'fair, just, and reasonable. Additionally, any infractions and regulations governing under Article 21 must also be examined for compliance with Article 14 and Article 19. This means that Article 21 should not be interpreted in isolation.

NEW DIMENSIONS OF ARTICLE 21: SCENARIO AFTER MANEKA CASE

Maneka Gandhi's case was dissatisfactory because it was part of the Supreme Court's failure to sufficiently protect the constitutionally guaranteed "right to life and personal liberty" entrenched in Article 21.

In Hussainara Khatoon (No.1) V/S Home Secretary State of Bihar[3], A precedent for the right to a speedy trial has been established. a legal claim to a prompt trial According to the Supreme

[2] *Maneka Gandhi v Union Of India* [1978] AIR 597 (SC)
[3] *Hussainara Khatoon v Home Secretary State of Bihar* [1979] SC 1360

Court, Article 21's guarantee of life and personal freedom makes the right to a prompt trial an implied Fundamental Right. "No method that does not guarantee a reasonably rapid trial can be considered reasonable, fair, or just, and therefore would violate Article 21."

In Joginder Kumar v/s state of Uttar Pradesh,[4] The arrest has been ordered by the Supreme Court. Police departments may have the authority to make arrests, but the legal basis for doing so is a different story, according to the court.

This viewpoint was again supported in the case of **Francis Coralie Mullin v The Administrator, Union Territory of Delhi, and others,** which established that the right to life is not limited to mere animal existence.

RECENT DEVELOPMENTS

Some of the developments that are recently recognized in various cases concerning Article 21 enshrined in Part III of the Constitution of India are stated as follows:

Right to food: In People's Union for Civil Liberties v UOI[5], it was held that the Right to Food is essential and states cannot escape the responsibility of ensuring it.

Right to shelter: When thinking broadly about Article 19(1) of the Indian Constitution in *Chameli Singh v State of U.P*[6]., it was considered that broadening this very Article provides a new meaning to it in respect of the right to shelter by the Apex court. To make the poor's rights legitimate, the state must give housing facilities and opportunities. Because it is the State's constitutional duty to provide housing for the needy, acquiring land for the purpose of providing house sites for the impoverished is a public purpose.

Right to livelihood: In Olga Tellis v Bombay Municipal Corporation, According to the Constitution Bench, the simplest way to strip someone of their right to life would be to

[4] *Joginder Kumar v State of Uttar Pradesh* [1994] AIR 1349 (SC)
[5] *People's Union for Civil Liberties v UOI* [2004] 2 SCC 476
[6] *Chameli Singh v State of UP* [1996] 2 SCC 549

completely rob them of their means of subsistence. If the right to livelihood is not treated as a conventional right to life, this will effectively eliminate that person's right to life.

Right to education: In Mohini Jain v State of Karnataka,[7] Even though Part III of the Indian Constitution did not precisely include the "right to education" as a fundamental right, the Court determined that when read collectively, Articles 21, 38, 39(a), (f), 41, and 45 of Part IV of the Indian Constitution make it abundantly transparent that the State is required to provide for its citizens' educational needs.

Right to clean environment: There are various cases of M.C.Mehta v UOI regarding the right to a clean environment.

Right against handcuffing: In Prem Shankar Shukla v Delhi Administration,[8] the court ruled that handcuffs are illogical and inhumane and that they are not necessary to prevent a prisoner from escaping.

Right to privacy: In **Naz Foundation Case** (2009), Even though Part III of the Constitution of India did not mention the "right to education" as a fundamental right, the Court determined that when read collectively, Articles 21, 38, 39(a), (f), 41, and 45 of Part IV of the Indian Constitution make it abundantly clear that the State is required to provide for its citizens' educational needs.

Right against bar fetters: In Charles Sobhraj v Supt. Central Jail,[9] The Supreme Court found that when prison officials violated constitutional rights and did things that hurt the inmate, the court had the ability to step in and take enforcement action.

There is a long case list in which the Supreme Court has decided cases extending its ambit. Following are some cases in respect of Article 21 in which by way of its judgment, the Apex Court has set a precedent.

- Right to a speedy trial (Sheela Barse v UOI)

[7] *Mohini Jain v State of Karnataka* [1992] AIR 1858
[8] *Prem shankar v Delhi Administration* [1980] 3 SCC 526
[9] *Charles Sobhraj v Superintendent, Jail, Tihar* [1978] AIR 1514 (SC)

- Right against prison torture and custodial death (Sunil Batra v Delhi Administration)
- Right to compensation for illegal – unlawful detention (Rudal Shah v State of Bihar)
- Right against solitary confinement (Sunil Batra v Delhi Administration)

It must be remembered that no right in a democracy is unassailable. All rights are subject to reasonable limitations based on ethics, healthcare, public health and safety, political administration, and maintenance of peace.

CONCLUSION

Thus, it is evident that while the first construction of Article 21's provision was limited, the law relating to a person's life and personal liberty evolved progressively, and these terms were given a liberal interpretation. Periodically, new components have been added to the scope of Article 21. Additionally, the Maneka Gandhi case had a big influence on how India's constitutional law was developed. The Supreme Court has reinterpreted the phrase in light of Article 21, keeping in mind not just the viewpoint of the accused or criminal, but also that of society and the victims.