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JUDICIAL ACTIVISM AND THE EXPANDING HORIZONS OF THE RIGHT TO LIFE IN INDIA

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ABSTRACT: The Constitution is the paramount piece of legislation in India. The objective is to guarantee equitable possibilities for engagement in political, social, and economic democracy. The founders of our nation guaranteed that all individuals aged 18 and older could participate in voting, rather than a privileged minority. The Indian Constitution is a dynamic document since it has evolved over the past 70 years. The paramount human right is the right to life. Article 21 of Part III of the Indian Constitution encompasses the rights to life and freedom of movement. The right to life constitutes the paramount provision of the Indian Constitution. This constitutes the fundamental principle behind the concept of a welfare state. A "welfare state" is a governmental system that aims to guarantee the well-being and health of its populace. The right to life was initially rigorously upheld by Indian courts. Consequently, they exhibited increased patience. The right to life presently includes: the right to a clean environment, the right to education, the right to a prompt trial, and the right to life itself. Safeguarding the rights of its citizens is the paramount objective of a democracy. Although the United States is the oldest democracy globally, it is notorious for its elevated incarceration rates among people of color, especially Black individuals. All individuals must be accorded equal treatment in a society founded on the principle of the right to work. The Constitution has consistently aimed for equality. India is the preeminent nation globally. Although numerous challenges exist, there are also several commendable instances. The "Right to Life and Personal Liberty" provision will remain incomplete unless it fully rectifies the inequitable treatment of women, individuals from other castes, those from diverse socioeconomic backgrounds, and other forms of harm. To fulfill the aims established by the Constitution's architects, we must abandon the dichotomy of "us" and "them."
Keywords: *Living Document, Right to Life, welfare state in alienable rights, egalitarian society.*

1. INTRODUCTION

The Indian Constitution's Article 21 covers the fundamental rights to liberty and life. pursuant to Article 21 of the Indian Constitution, "No person shall be deprived of his life or personal liberty except according to procedure established by law." This means that unless specifically allowed by law, a person's right to life cannot be taken away from them without a valid reason. This is predicated on the idea that each person is entitled to make the decisions that they believe will benefit them the best. To put it another way, it gives people the fundamental freedom to live their lives as they see fit. The Principles of Natural Justice are categorically endorsed by Article 21 of the Indian Constitution, which also places a negative obligation on state power. The 21st century has seen the development of the right to life, as

demonstrated by a number of important court rulings. Because it contains several rights that are currently important, this right is different from other rights in the Indian Constitution. The right to life is a fundamental right. The right to privacy, the right to a clean environment, the right to education, and the right to shelter are just a few of the other fundamental rights that are included in it.

2. THE LEGAL JOURNEY OF RIGHT TO LIFE IN INDIA RIGHT TO DIGNIFIED LIFE

Through a number of rulings, the Indian judiciary has interpreted and modified Article 21. Regarding the various rights included in the Right to Life, the Learned Judges offered their main viewpoints and interpretations. According to the Supreme Court, the concept of "Life" under Article 21 is broad and adaptable. In Francis Coralie v. Union Territory of Delhi, the Supreme Court ruled that everyone has the right to life, which includes all necessities for meeting the basic needs that give life purpose. "We believe that the right to life includes the right to live with dignity and all that goes with it, such as enough food, clothing, and shelter, as well as places to read, write, and express oneself in different ways, as well as the freedom to move around and interact with other people." Of course, the magnitude and content of the components of this right would depend upon the extent of the economic development of the country, but it must, in any view of the matter, include the right to the basic necessities of life and also the right to carry on such functions and activities as constitute the bare minimum expression of the human-self." In Francis Coralie, the Supreme Court has held that the expression 'life' in Article 21 does not connote merely physical or animal existence but embraces something more. The Honourable Court reaffirmed this in Bandhua Mukti Morcha v. Union of India6 emphasizing that a dignified life should be free from any kind of exploitation and the State must provide minimum requirements necessary to sustain the most basic rights like equal opportunities for children, maternity benefits among other things and the strict adherenceto Article 39,41 and 42 of the Indian Constitution Additionally, the Supreme Court ruled in Maneka Gandhi v. Union of India7, that the right to life includes both the physical right to live and the right to a life of dignity. The Court further held in the same case: "the fundamental rights conferred by Part III are not distinct and mutually exclusive rights. Even when the restrictions on interfering with one right are met, the law must take into account the needs of other protected freedoms, even though each one has unique limitations. The Supreme Court overturned the Gopalan case's prevailing decision in the Maneka Gandhi case. It claimed that because Article 19 regulates Article 21, its requirements must also be adhered to.

Right to Livelihood

According to a previous Supreme Court decision, the right to employment is not covered by Article 21 of the Constitution. In Olga Tellis v. Bombay Municipal Corporation, the Honorable Court clarified that the right to life is inadequate in the absence of the ability to sustain oneself. This changed the earlier perspective. The State is not required to guarantee citizens have adequate means of livelihood or employment through affirmative action, the Court argued, adding that "if the State has an obligation to furnish citizens with a sufficient means of livelihood and the right to work, it would be mere pedantry to omit the right to livelihood from the essence of the right to life." People may claim that their right to life has

been violated under Article 21 if they are unable to support themselves without following the proper legal procedures.

The ability to work is not now regarded as a fundamental right. The Supreme Court rejected the claim that Article 21 had been broken in Secretary, State of Karnataka v. Umadevi.

Right to Health

It became clear during the COVID-19 epidemic, particularly the second wave, that our government does not protect people's rights to health care. Basic basic care services, oxygen cylinders, and sufficient bed capacity were lacking at many hospitals. Numerous deaths occurred, impacting the whole country. The judiciary has repeatedly maintained over the years that the right to health is a component of the right to life.

The Supreme Court of India emphasized the value of life preservation in Parmananda Katara v. Union of India, ruling that doctors must help patients right away regardless of whether the police have fulfilled their legal obligations. The Court also decided that once life has been surrendered, it cannot be regained.

In Pravat Kumar Mukherjee v. Ruby General Hospital & Others, the court found that a hospital must admit a severely ill patient who is unable to refuse treatment because they have no close relatives or because they have unpaid bills. The court also decided that a patient who is in serious condition needs to get medical help right away.

The first law of its kind to be passed in the state of Rajasthan was the Right to Health bill. It states that free medical treatment must be provided to everyone at all public hospitals and some private facilities.

There are many private schools. However, a number of physicians have voiced opposition, arguing that it compromises their practice autonomy.

Right to Shelter

One of the most basic human needs is a safe and cozy place to live. Regretfully, this situation is absent from the majority of developing and least developed nations. For example, millions of impoverished people live in India's slums, where circumstances are appalling since essential facilities like clean water, sanitary surroundings, and toilets are lacking. As a result, people struggle every day to meet their fundamental needs.

The ruling in State of U.P. v. Chameli Singh and others. issued by the Supreme Court. affirms that every citizen has the fundamental right to housing under Article 21 of the Constitution. And seventeen more. In UP Avas Vikas Parishad v. Friends Cooperation Housing Society Limited, the Court found that Article 19 (1) (e) and Article 21 of the Constitution guarantee the right to shelter. In Shantistar Builders v. Narayan Khimalal Totame, the Court argued that the right to good housing falls under the most expansive definition of the right to life. The Court then went on to clarify the differences between the necessities for animal and human survival. It claimed that although maintaining an animal's physical health is crucial, people also need to foster their mental, emotional, and physical growth.

Women's rights and Article21

Even though women make up over half of the country's population, their status is nonetheless

unfavorable. Programs aimed at empowering women are either abandoned or never implemented because women are seen as a liability. The matter has been made worse by the patriarchal mindset. Over time, the number of crimes committed against women has increased. As technology advances, there are more and more stories of heinous atrocities. The Indian courts have rendered some important rulings over the years.

In Vishakha v. State of Rajasthan, the Supreme Court ruled that sexual harassment at work violates both the right to equality and the right to life. Articles 14, 15, and 21 are therefore no longer applicable. The Supreme Court established guidelines to shield women from sexual harassment at work. To address this issue, the government passed the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. I contend that this rule should be gender-neutral and apply to both men and transgender people. The Supreme Court of India ruled in Bodhisattwa Gautam v. Subhra Chakraborty that rape is a social crime that affects more than just the victim. The Court came to the conclusion that, in accordance with Article 21 of the Indian Constitution, rape also violates the victim's right to a life of dignity.

Men's and women's rights must be equal. Children and housework should not be their only responsibilities, and they shouldn't be treated like second-class citizens. They should have the freedom to decide what happens to their bodies, including whether or not to have an abortion. People ought to have the freedom to select their spouses and avoid becoming victims of honor killings. In my opinion, everyone should have the same rights to self-determination and self-preservation, which are essential components of the right to life.

Right to Speedy Trial

The state of our nation's prisons is appalling. They are overcrowded and lacking even the most basic necessities. Most prisoners are convicted criminals awaiting trial who are unable to pay bail and occasionally receive unduly long sentences for their crimes. This is a class difference since wealthy people can afford to retain skilled lawyers and frequently use their wealth and position to avoid legal repercussions. People living in poverty are forced to rely on state prosecutors, who are frequently thought to be indifferent to their plight. It is admirable that the Indian judiciary has attempted to close this disparity to some extent.

According to the court's ruling in Hussainara Khatoon v. Home Secretary, State of Bihar, citizens are entitled to a prompt trial under Article 21. The Honorable Court observed that a large number of pretrial prisoners had been held in prison for an unreasonably long time.

Most of the inmates who had served longer than their sentences were from low-income families, and the Honorable Court ordered their release.

Right of an Accused and Article 21

According to Article 21 of the Constitution, a person has certain rights even after being convicted. According to the Delhi Administration23 court, it is against Article 21 of the Constitution to isolate a condemned person who has been given a death sentence.

In Attorney General of India v. Lachma Devi, the Supreme Court ruled that the prisoner's right to life under Article 21 had been infringed by his public hanging. The court also decided that punishment should not be harsh, even for those who commit serious crimes.

The Supreme Court ruled in Prem Shankar v. Delhi Administration that an accused person should only be detained if there is a clear and convincing basis to think they could try to flee.

The court concluded in Babu Singh v. State of Uttar Pradesh that the right to obtain valid bail is a component of the right to personal liberty. Article 21 of the Constitution will be broken if bail is refused.

Right to Education

One of the best ways to include people in society is through education, particularly in a rapidly developing country like India. By amending Article 21, the Parliament created Article 21A, which requires all children between the ages of 6 and 14 to receive free and compulsory education. This idea was expanded upon in the 2009 Right of Children to Free and Compulsory Education (RTE) Act. According to the court's ruling in Mohini Jain v. State of Karnataka, the state must ensure that everyone has access to higher education since everyone has the right to education as part of their right to life.

Right to Clean Environment

The Industrial Revolution has caused the economy to grow more quickly than it did in the past. Ecological harm and climate change are the results of this. Food will not exist on Earth if there is no environment. There is a real shift in the climate. Rapid and unchecked urbanization has had a negative impact on the environment. In the twenty-first century, sustainable development is essential. Numerous decisions have been made by Indian courts to safeguard the environment.

According to the ruling of the Honorable Supreme Court in M.C. Article 21 of the Indian Constitution upholds the right to a dignified life, which includes the right to a clean environment, as stated in Mehta v. Union of India29 (the Oleum Gas Leak Case).

Because secondhand smoke endangers the health of nonsmokers, the Supreme Court ruled in Murli S. Deorav v. Union of India that smoking is prohibited in public areas under Article 21, which safeguards nonsmokers' right to life.

Right to Privacy

Article 12 of the 1948 United Nations Declaration of Human Rights (UDHR) and Article 17 of the 1966 International Covenant on Civil and Political Rights (ICCPR) both provide international protection for the right to privacy. Dr. B.R. Ambedkar vigorously defended the idea that privacy is a fundamental right during the drafting of the Indian Constitution. The right to privacy is inextricably tied to the rights of women. The freedom to adopt contraceptive measures, such as getting a kidney transplant, or to decline sexual activity are all part of a woman's reproductive options.

Sterilization techniques. The right of a woman to conceive, give birth, and raise children.

According to Justice D.Y. Chandrachud, the right to privacy is an inalienable right that is closely related to individual freedom. In Justice K.S. Puttaswamy (retd) v. Union of India, the Supreme Court ruled that the right to privacy is a fundamental right protected by Article 21 of the Constitution, which also protects the right to life.

Right to Social Security

The Supreme Court ruled in NHRC v. State of Arunachal Pradesh that the State must protect the lives of all people, regardless of citizenship, and that it is a neglect of its duty to protect the right to life for everyone if it does not protect the rights of vulnerable groups.

According to the ruling in LIC of India v. Consumer Education and Research Centre, a person's right to insurance is a part of their right to life, provided that the coverage is both accessible and reasonably priced.

The Supreme Court ruled in Calcutta Electricity Supply Corporation (India) Ltd. v. Subhash Chandra Bose that the right to social security and the right to family protection are under the definition of the right to life in Article 21.

3. SUGGESTIONS ON THE FUTURE PROSPECTS OF RIGHT TO LIFE IN INDIA

Right to Work

Employment is the biggest issue facing millions of young people in India, and it has been made worse by the significant economic effects of COVID-19. Therefore, as a result of rising inflation and declining private investment over time, there is a significant decline in private sector employment and a shortage of public sector jobs.

The establishment of more skill development facilities, such Industrial Training Institutes, must be the government's top priority in order to improve the abilities of Indian young. Approximately one-sixth of our GDP comes from agriculture, which still employs a sizable section of the people. India should prioritize skill development and sustainable industrialization. More aggressive execution is needed for programs like Make in India and Skill India. Programs like MGNREGA should also be implemented more constructively to guarantee that everyone has the right to a respectable life through work opportunities. The high percentage of youth unemployment highlights the pressing need to address the Demographic Dividend's declining potential, which may otherwise support national growth.

Period Leave

Everyone should have equal opportunity, regardless of gender. The difficulties faced by female employees must be acknowledged by employers. The right to be free from sexual harassment at work is a part of the right to life, according to the finding in Vishakha v. State of Rajasthan. As in South Korea, Japan, and Spain, women should be able to take maternity leave for at least three to five days per month. Expecting women to work during this trying time is unfair because it violates their right to equality and a life of dignity. In addition to the protection of maternity leave provided by the Maternity Benefit (Amendment) Act, 2017, women should be given time off during their periods to recover if they are unable to work. Several studies show that a company's ability to succeed depends on how satisfied and safe its employees are, which eventually boosts production.

Right to Internet

Over the period of three years, the digital divide caused many underprivileged children to fall behind in their academic endeavors because they were unable to attend lessons. Since we now depend on the internet for almost everything, I argue that internet access should be included in the right to life.

The Digital India effort was started by the government, but it would take time for this right to be adequately linked with the right to life because of its wide reach and the large number of players engaged.

Right of LGBTQ Community

LGBTQ people have traditionally experienced discrimination in India and around the world, which has made it necessary for them to hide their identities and promote silence. The Supreme Court ruled in Navtej Singh Johar v. Union of India that two consenting adults of the same sex should be granted additional rights, such as the right to marry, as part of a dignified life, and that consensual sexual relations between them are no longer illegal under Section 377 of the Indian Penal Code, 1860. The definition of sexual offenses should also be expanded to include crimes against the transgender community because current definitions are frequently gender-specific and do not take into account their experiences, which makes it difficult for them to report such offenses. As a result, Article 21's Right to Dignified Life should specifically acknowledge the rights of the LGBTQ and transgender communities.

4. CONCLUSION

Together with Article 32, the right to life is the cornerstone of Indian democracy and the core of the Indian Constitution. India has been a democracy for more than 75 years, and elections have gone off without a hitch, yet the country still struggles to provide basic amenities to its underprivileged citizens. Although the Indian judiciary has greatly expanded its understanding of Article 21, much more work has to be done. There are regular reports of sewage workers being killed all around the country. In many Western countries, septic tanks are maintained by machines, but in India, sewage workers, who are mostly from poor families, manually clean septic tanks without safety equipment or harnesses, resulting in thousands of deaths each year. The community of transgender people faces

The ingrained caste and class structures, a lack of political will, and a lack of compassion for underprivileged communities are the main obstacles to universal access to the right to life. These people experience systematic injustices in a number of areas, such as employment and respectable living. Expanding the scope of Article 21 of the Constitution to include more rights will promote social justice and fulfill the goals of the document's drafters.

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