

Social and Legal aspects regarding the Right to Live with Dignity under Article 21 of the Indian Constitution

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ABSTRACT: *The 'Right to Live with Dignity' under Article 21 of the Indian Constitution is a cornerstone beyond the fundamental rights to life and liberty. It includes the right to a meaningful and dignified existence, highlighting the crucial role of the state in creating the necessary conditions for people to live a life of respect, health, and well-being. This study delves into developing and interpreting this entitlement through legal decisions. It examines how the Indian Supreme Court has broadened its purview to include well-being, privacy, housing, and environment. The research argues that despite significant progress in interpreting Article 21, there are still gaps in its application due to socioeconomic disparities and ignorance. The paper provides ideas for how to make the right to live with dignity more rigorously enforced, emphasising the state's responsibility in this process. It also advocates for a comprehensive strategy that considers both societal and legal factors to guarantee that every person can live with the dignity that the Constitution's framers intended.*

KEYWORD: Right to live, Article 21, Supreme Court, Right to life and liberty.

I. INTRODUCTION:

The concept of dignity is central to human rights discourse. It signifies the intrinsic worth of every individual and underscores the principle that all human beings deserve to be treated with respect and fairness. The right to live with dignity is one of the core human rights enshrined in the Constitution of India under Article 21, which guarantees the fundamental right to life and personal liberty.¹ This fundamental right is central to the Indian legal system, ensuring that every individual has the right to life, which extends beyond mere survival to a life of dignity, respect, and personal autonomy. The Indian Supreme Court has given this right a broad interpretation beyond the simple need to survive physically, including a life of dignity not harmed by discrimination, exploitation, or poverty.² This more expansive reading links human dignity to many aspects of societal well-being and places it at the core of constitutional discourse and social justice.

From a legal perspective, the right to live with dignity has evolved through landmark judgments. The Supreme Court expanded the scope of Article 21, ensuring that life includes the right to live with dignity. In many other cases, the court also asserted that the right to live with dignity includes access to necessities such as adequate nutrition, clothing, and shelter.³ The judicial emphasis on dignity as an integral part of life has extended to include rights against inhumane treatment, forced labour, and human trafficking.⁴

Social issues, including poverty, discrimination, and social injustice, are all addressed by the right to dignity. For oppressed groups who have historically been denied equal opportunities and decent treatment, such as women, Dalits, and people with disabilities, this right has been a crucial instrument. The principle that underpins policies aimed at eradicating systemic inequities and guaranteeing inclusive growth is the right to live with dignity, supported by constitutional provisions such as Article 14 (right to equality)⁵, Article 15 (prohibition of discrimination)⁶, and Article 39(a) which gives the right to and adequate means of livelihood⁷. The

¹ Constitution of India, Article 21

² Maneka Gandhi v. Union of India, AIR 1978 SC 597

³ Francis Coralie Mullin v. Union Territory of Delhi, AIR 1981 SC 746

⁴ People's Union for Democratic Rights v. Union of India, AIR 1982 SC 1473

⁵ Constitution of India, Article 14

⁶ Constitution of India, Article 15

⁷ Constitution of India, Article 39

intersectionality of social justice and constitutional morality ensures this. Dignity is an intrinsic part of the broader right to life, making it fundamental to realising other constitutional rights.

Thus, the right to live with dignity under Article 21 embodies a critical intersection of social justice and legal protections, contributing to India's constitutional vision of equality, fairness, and human rights.

II. RIGHT TO LIVE WITH DIGNITY: SOCIAL DIMENSIONS

The realisation of human dignity is significantly impacted by societal issues such as caste, gender, and socio-economic status, especially in nations where structural inequality is deeply rooted. These elements frequently result in obstacles that keep specific individuals from fully exercising their human rights, including the fundamental right of living in dignity, protected by laws such as Article 21 of the Indian Constitution. The right to live with dignity is not merely a legal entitlement but a comprehensive social right that influences and is influenced by various aspects of human life.

The hierarchical structure of caste-based societies, such as India, lowers some groups to the bottom of the social hierarchy, particularly Dalits and other marginalised castes. They are denied equal access to healthcare, work, education, and other essential human rights by this system, which also exposes them to violence, exclusion, and discrimination. Discrimination based on caste undermines these people's dignity by viewing them as less worthy of citizenship.⁸ Despite legislative frameworks to safeguard individual rights, these protections are frequently compromised by deeply rooted prejudices and cultural attitudes.

The realisation of dignity is negatively impacted by gender inequality, especially for women and LGBTQ+ communities. Women's rights to work, education, and bodily autonomy are frequently restricted by traditional gender norms, which can result in problems including wage inequality, harassment based on gender, and domestic abuse.⁹ Social norms that dictate women should be subservient and have limited roles sometimes undermine women's dignity, particularly in rural communities. Comparably, the LGBTQ+ community frequently experiences violence, legal difficulties, and social exclusion, all of which compromise their capacity to live with dignity.

Economic hardship and poverty are two of the significant barriers to human dignity. It is common for those living in lower socioeconomic groups to be without access to needs, including food, housing, healthcare, and education. This deprivation damages one's social standing and self-respect and worsens physical hardship. Because of their limited options and structural marginalisation, the poor are often trapped in a vicious cycle of poverty that further diminishes their dignity. The interplay of caste, gender, and socio-economic status often creates compounded discrimination.

Access to healthcare and dignity are closely related, particularly for underprivileged communities whose access to high-quality healthcare is frequently impeded by structural constraints.¹⁰ Since it directly affects a person's health, quality of life, and ability to engage in society, access to healthcare is essential to human dignity. Denying access to healthcare deprives marginalised groups—including women, LGBTQ+ individuals, lower caste members, and economically poor communities—of their dignity and perpetuates a cycle of social exclusion and injustice. Human dignity requires access to healthcare, especially for underprivileged groups whose disadvantages are made worse by institutional discrimination. Refusing people access to healthcare perpetuates social exclusion and inequality by violating their right to health and depriving them of their dignity. All members of society must have access to an equitable and inclusive healthcare system that resolves these disparities so everyone can realise their human dignity.

Religious and cultural practices frequently influence social norms and individual behaviour, sometimes promoting or undermining the right to a dignified existence. While cultural and religious traditions give people a sense of identity, purpose, and community, they can also uphold customs that may oppose the fundamental human right to dignity. Particularly in varied societies like India, where religion and culture have significant historical significance, the relationship between these traditions and the right to live in dignity can be complicated.¹¹ Legal frameworks and constitutional morality are essential in navigating this balance, ensuring that individual dignity is not sacrificed at the altar of cultural or religious conformity.

⁸ Thorat, Sukhadeo, and Katherine S. Newman. *Blocked by Caste: Economic Discrimination in Modern India*. Oxford University Press, 2010.

⁹ Nussbaum, Martha. *Women and Human Development: The Capabilities Approach*. Cambridge University Press, 2000.

¹⁰ Rama Kawade, et al., *Access to sanitation and risk of developing urinary tract infections among women from low socio-economic settings*, *International Journal of Community Medicine and Public Health* (2019).

¹¹ Badri Narayan Fascinating Hindutva: *Saffron Politics and Dalit Mobilisation*. SAGE Publications, 2009.

Therefore, societal factors deeply affect the realisation of human dignity, and addressing these systemic issues requires both legal reforms and social change to ensure equality for all individuals.

III. RIGHT TO LIVE WITH DIGNITY: LEGAL DIMENSIONS

The Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly on December 10, 1948, serves as a foundational document that articulates the inherent rights and freedoms to which all human beings are entitled, regardless of race, religion, nationality, or any other status. Article 1 and Article 3¹² lay the groundwork for the principles of equality, dignity, and personal security, which have influenced international human rights law extensively. This Articles enshrines the principle of universal equality and the inherent dignity of every individual. It implies that human rights are not granted by any authority but are intrinsic to all people simply by virtue of being human. Dignity is not something earned; it is an innate quality of all human beings. This concept forms the ethical foundation for human rights, emphasizing that respect for individuals should be universal and unconditional.

Article 6(1) of International Covenant on Civil and Political Rights states that “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”¹³ While this Article does not explicitly mention dignity, the right to life is now widely interpreted as including the quality of life and the conditions necessary to live with dignity.

The Indian judiciary has also consistently ensured that human dignity remains at the core of constitutional morality, reinforcing the state's obligation to uphold this fundamental right. Therefore, the Judiciary interprets and expands the scope of Article 21 of the Constitution by including the right to life with dignity, the right to health, livelihood, etc.

Some of the landmark cases that dealt with the right to dignity are as follows: -

The Supreme Court in ‘*Maneka Gandhi v. Union of India*’¹⁴ held that the right to life includes the right to live with dignity, and this judgement expanded the scope of Article 21 by asserting that due process must be followed in depriving a person of their liberty, thereby emphasising the importance of dignity in the context of personal freedom. The Court, in the case of *Francis Coralie Mullin v. The Administrator, Union Territory of Delhi*,¹⁵ also stated that the right to life includes the right to live with human dignity and all that goes along with it, such as adequate nutrition, clothing, and shelter.

The right to privacy was upheld as intrinsic to the right to life, thus reinforcing the dignity of an individual in the case of ‘*K. S. Puttaswamy v. Union of India*’.¹⁶ The judgement reiterated that dignity is closely linked to privacy and autonomy. The Court stated that the right to live with dignity includes making personal choices without state interference, reinforcing individual independence as essential to dignity.

In ‘*Vishaka v. State of Rajasthan*’¹⁷, the Supreme Court addressed sexual harassment at the workplace. It established guidelines for prevention and redressal, emphasising the need to ensure women's right to work with dignity. The case arose when a social worker was raped while on duty, highlighting the failure to protect her rights. The Court linked the right to work with dignity to Article 21, underscoring the need for a safe working environment. This landmark judgment established a legal framework for addressing sexual harassment and promoting the dignity of women in the workplace.

The Supreme Court in ‘*Olga Tellis v. Bombay Municipal Corporation*’¹⁸ recognised the right to livelihood as a part of the right to life with dignity. Depriving someone of their livelihood was equated to depriving them of life itself. Livelihood is essential to maintaining human dignity, and any arbitrary deprivation of livelihood would be considered a violation of the Article 21.

Health is a cornerstone of human dignity.¹⁹ Without access to adequate healthcare, an individual cannot enjoy a life of dignity. Article 47 of the Directive Principles of State Policy emphasizes the state's responsibility to improve public health, nutrition, and standard of living. The right to health is, therefore, an integral part of the

¹² Universal Declaration of Human Rights, Article 1 & 3

¹³ International Covenant on Civil and Political Rights, Article 6

¹⁴ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597

¹⁵ *Francis Coralie Mullin v. The Administrator, Union Territory of Delhi*, AIR 1981 SC 746

¹⁶ *K. S. Puttaswamy v. Union of India*, (2017) 10 SCC 1

¹⁷ *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011

¹⁸ *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180

¹⁹ Sen, Amartya. "Development as freedom (1999)." *The globalization and development reader: Perspectives on development and global change* 525 (2014).

right to life and dignity. Therefore, in '*Parmanand Katara v. Union of India*'²⁰ the Court ruled that the right to health is a fundamental right under Article 21. Every individual can access medical facilities in an emergency without financial or procedural barriers. Further in '*Paschim Banga Khet Mazdoor Samity v. State of West Bengal*',²¹ the Court stressed that it is the government's responsibility to provide adequate medical facilities to uphold the right to life with dignity

The Court in '*Chameli Singh v. State of Uttar Pradesh*'²² declared that the right to shelter is a fundamental right, as shelter is necessary to live with dignity. This right includes adequate living conditions such as access to clean water, electricity, and sanitation facilities.

In '*Common Cause v. Union of India*',²³ this landmark judgement, the Supreme Court recognised the right to die with dignity, allowing passive euthanasia under strict guidelines. This decision emphasises that the right to life with dignity also encompasses the right to a dignified death.

In the landmark case of '*D. K. Basu v. State of West Bengal*'²⁴ the Court laid down guidelines for preventing custodial torture and deaths, asserting that such violations undermine human dignity. The prohibition of inhumane treatment, including torture or degrading conditions in prison, is an essential aspect of the right to live with dignity.²⁵

The Supreme Court '*National Legal Services Authority v. Union of India*',²⁶ upheld the rights of transgender individuals, ensuring their right to live with dignity by recognising them as a "third gender." The rights of other vulnerable groups, such as the elderly, disabled, and women (especially in cases of sexual violence), have been upheld under the ambit of Article 21 to ensure their right to dignity.

The broader notion of social justice is intrinsically linked to the right to live in dignity. Notwithstanding their non-justiciability, the Directive Principles of State Policy (DPSP) support humane working conditions, fair resource distribution, and sufficient means of subsistence all necessary for a life of dignity. As such, they complement Article 21 of the Constitution.

These landmark cases underscore the evolving interpretation of the right to live with dignity under Article 21. These significant landmark cases highlight how Article 21, the right to live in dignity, is being interpreted increasingly. They illustrate how the judiciary has broadened the definition of dignity to include all facets of life, guaranteeing that everyone is treated with dignity, justice, and fairness. Through these decisions, the Indian legal system has gradually acknowledged that equality and personal liberty cannot be achieved without respect for human dignity. Therefore, the Right to live with dignity continues to evolve as societal norms and judicial interpretations broaden the scope of Article 21.

IV. CONCLUSION:

Following Article 21 of the Indian Constitution, each individual has the legal and social right to live with dignity. The judiciary has been crucial in providing an expansive interpretation of this right, even while social variables like gender dynamics, poverty, and culture continue to influence people's experiences of dignity. Realising the goal of a life lived with dignity for every citizen requires tackling these complex issues. Therefore, there is a need to implement policies that guarantee universal access to healthcare services, particularly for marginalised groups. This includes expanding public healthcare infrastructure, ensuring the availability of affordable medications and treatments, fostering a culture of volunteerism and active civic engagement among citizens, emphasising the importance of supporting one another and advocating for collective dignity in society. To enact a robust law to address discrimination based on caste, gender, sexual orientation, and disability. Such legislation should include provisions for affirmative action and strict penalties for violators, ensuring the protection of dignity for all individuals. So, a holistic approach that combines legal frameworks with social awareness and community engagement is crucial for creating a more just and equitable society where every individual's dignity is respected and upheld.

²⁰ *Parmanand Katara v. Union of India*, AIR 1989 SC 2039

²¹ *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*, AIR 1996 SC 2426

²² *Chameli Singh v. State of Uttar Pradesh*, AIR 1996 SC 1051

²³ *Common Cause v. Union of India*, (2018) 5 SCC 1

²⁴ *D. K. Basu v. State of West Bengal*, AIR 1997 SC 610

²⁵ K. I. Vibhute, Right to human dignity of convict under 'shadow of death' and freedoms 'behind bars' in India: A reflective perception, *Journal of the Indian Law Institute*, 2016.

²⁶ *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438.