

Right to Life and Personal Liberty

Article 21

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Article 21 reads as:

- *“No person shall be deprived of his life or personal liberty except according to a procedure established by law.”*
- According to Bhagwati, J., Article 21 “embodies a constitutional value of supreme importance in a democratic society.” Iyer, J., has characterized Article 21 as “the procedural *magna carta* protective of life and liberty.
- This right has been held to be the heart of the Constitution, the most organic and progressive provision in our living constitution, the foundation of our laws.
- Article 21 can only be claimed when a person is deprived of his “life” or “personal liberty” by the “State” as defined in Article 12. Violation of the right by private individuals is not within the preview of Article 21.

- Article 21 secures two rights:
- **1) Right to life**
- **2) Right to personal liberty**

- The Article prohibits the deprivation of the above rights except according to a procedure established by law .Article 21 corresponds to the *Magna Carta* of 1215, the Fifth Amendment to the American Constitution, Article 40(4) of the Constitution of Eire 1937, and Article XXXI of the Constitution of Japan, 1946.
- Article 21 applies to natural persons. The right is available to every person, citizen or alien. Thus, even a foreigner can claim this right. It, however, does not entitle a foreigner the right to reside and settle in India, as mentioned in Article 19 (1) (e).