

‘Judicial Activism and the Evolution of the Right to Life and Personal Liberty under Article 21 of the Constitution of India: A Critical Analysis’

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ABSTRACT

Article 21 of the Constitution of India, guaranteeing the right to life and personal liberty has evolved from a narrowly construed procedural safeguard into the cornerstone of India's human rights jurisprudence. This transformation has largely been driven by judicial activism, particularly through the expansive interpretation adopted by the Supreme Court of India. Beginning with the restrictive interpretation in *A.K. Gopalan v. State of Madras* (1950), Article 21 underwent a paradigmatic shift following *Maneka Gandhi v. Union of India* (1978), wherein the Court established that any law depriving a person of life or liberty must satisfy the tests of fairness, justice, and reasonableness. Since then, the judiciary has recognised a wide spectrum of rights under Article 21, including the rights to privacy, health, education, livelihood, a clean environment, legal aid, speedy trial, dignity, and shelter.

It is to critically examine the role of judicial activism in expanding the scope of Article 21 and evaluates whether such judicial creativity has strengthened constitutional governance or encroached upon the legislative domain. Employing doctrinal and analytical research methods, the paper analyses landmark constitutional decisions and contemporary challenges such as digital surveillance, artificial intelligence, environmental degradation, preventive detention, public health emergencies, and national security. At present judicial activism has been indispensable in protecting fundamental rights in India but must be exercised with constitutional restraint to preserve democratic accountability and the doctrine of separation of powers. The paper concludes with recommendations for strengthening constitutional governance while ensuring effective protection of life and personal liberty in an increasingly complex socio-legal landscape.

Keywords: Article 21, Judicial Activism, Right to Life, Personal Liberty, Human Dignity, Constitutional Interpretation, Supreme Court of India, Fundamental Rights.

INTRODUCTION

The Constitution of India is founded upon the ideals of justice, liberty, equality, and fraternity. Among the various fundamental rights guaranteed under Part III of the Constitution, Article 21 occupies a unique and central position. It provides:

"No person shall be deprived of his life or personal liberty except according to procedure established by law."

Although this provision contains only a single sentence, it has become the most dynamic and expansive source of constitutional rights in India. The journey of Article 21 from a narrowly interpreted procedural guarantee to an all-encompassing repository of human rights reflects the remarkable role played by the Indian judiciary in constitutional interpretation.

At the time of the Constitution's commencement in 1950, Article 21 was understood in a restrictive manner. The Supreme Court, in *A.K. Gopalan v. State of Madras*, held that "procedure established by law" referred merely

to a validly enacted law, irrespective of whether such law was fair or reasonable. This interpretation significantly limited judicial review and allowed Parliament broad discretion to curtail personal liberty through legislation.

However, the constitutional landscape changed dramatically after the Emergency (1975–1977). The experience of widespread suspension of civil liberties exposed the vulnerability of constitutional rights when interpreted narrowly. The judiciary responded by adopting a more liberal and purposive approach to constitutional interpretation, recognising that fundamental rights are interconnected and must be interpreted harmoniously.

The landmark judgment in *Maneka Gandhi v. Union of India* (1978), the seven-judge Constitution Bench, led by Chief Justice M. H. Beg, with Justice P. N. Bhagwati delivering the leading opinion, transformed the interpretation of Article 21. The Court held that the procedure established by law must be just, fair, and reasonable, thereby laying the foundation for judicial expansion of the right to life and personal liberty.. The Court linked Articles 14, 19, and 21, creating what has often been described as the "golden triangle" of fundamental rights. This decision established substantive due process in Indian constitutional law despite the framers' deliberate adoption of the phrase "procedure established by law" instead of "due process of law."

Since the landmark decision in *Maneka Gandhi v. Union of India* (1978), judicial activism has played a transformative role in expanding the scope of Article 21 of the Constitution of India beyond mere protection against arbitrary executive action. The Supreme Court has consistently interpreted the expression "life" to signify not merely animal existence but a life of dignity, autonomy, and meaningful opportunities for human development. Through its dynamic and purposive interpretation, the Court has recognised a wide range of derivative rights as integral to the right to life and personal liberty, including the right to live with dignity, the right to livelihood, the right to health, the right to education, the right to shelter, the right to a clean and healthy environment, the right to free legal aid, the right to a speedy trial, the right to privacy, prisoners' rights, victims' rights, the right against custodial torture, and the right to die with dignity. These judicial innovations have transformed Article 21 into a comprehensive repository of fundamental human rights, making it the cornerstone of constitutional jurisprudence and one of the most progressive provisions of the Indian Constitution.

Many of these rights are not expressly mentioned in the Constitution but have been judicially inferred from the broad language of Article 21. This creative constitutional interpretation has made the Indian judiciary one of the most influential constitutional courts in the world.

Judicial activism under Article 21 has also transformed public interest litigation (PIL) into a powerful instrument for ensuring access to justice. Beginning in the late 1970s and early 1980s, the Supreme Court relaxed traditional rules of locus standi, allowing public-spirited individuals and organisations to approach the Court on behalf of disadvantaged sections of society. Through PIL, constitutional courts addressed issues concerning bonded labour, environmental pollution, prison reforms, child labour, sexual harassment, displacement, food security, and access to healthcare.

Nevertheless, judicial activism remains controversial. Critics argue that the judiciary has sometimes crossed constitutional boundaries by entering domains reserved for Parliament and the Executive. They contend that judicial expansion of Article 21 occasionally amounts to judicial legislation, undermining democratic accountability and the doctrine of separation of powers. Questions also arise regarding institutional competence, enforceability of socio-economic rights, and judicial consistency.

In recent years, Article 21 has acquired renewed significance in addressing challenges posed by digital technologies, artificial intelligence, biometric surveillance, facial recognition systems, internet shutdowns, data protection, climate change, public health crises, and national security measures. The recognition of privacy as a fundamental right in *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017) illustrates how Article 21 continues to evolve in response to emerging societal concerns.

Against this backdrop, this article critically examines the role of judicial activism in shaping the evolution of Article 21. It analyses the constitutional philosophy underlying the right to life and personal liberty, traces the jurisprudential development through landmark decisions of the Supreme Court, evaluates the benefits and limitations of judicial activism, and considers the implications of expanding constitutional rights for democratic

governance. The article further explores contemporary challenges confronting Article 21 and proposes reforms aimed at balancing effective judicial protection of fundamental rights with respect for constitutional separation of powers.

The central argument advanced in this study is that judicial activism has been instrumental in transforming Article 21 into the foundation of India's human rights jurisprudence. However, constitutional legitimacy requires that such activism remain principled, restrained, and grounded in constitutional text, values, and democratic accountability. Only through such a balanced approach can Article 21 continue to serve as a living guarantee of life, liberty, dignity, and justice for all persons.

Conceptual Framework of Judicial Activism

Judicial activism refers to the proactive role played by the judiciary in interpreting constitutional provisions to promote justice, protect fundamental rights, and address gaps left by the legislature and the executive. Unlike judicial restraint, which advocates minimal interference with legislative and executive functions, judicial activism encourages courts to adopt a purposive and dynamic interpretation of the Constitution to meet changing societal needs.

The Constitution of India does not expressly mention the term "judicial activism"; however, its constitutional foundation is embedded in Articles 13, 32, 136, 141, 142, and 226, which empower constitutional courts to enforce fundamental rights, exercise judicial review, and issue appropriate directions to ensure complete justice. Judicial activism gained significant momentum in the aftermath of the constitutional crisis during the Emergency (1975–1977), when the widespread suspension of civil liberties exposed the vulnerability of fundamental rights and underscored the necessity of an independent judiciary capable of protecting constitutional values against arbitrary governmental action. In response to this experience, the Supreme Court adopted a liberal, purposive, and rights-oriented approach to constitutional interpretation, particularly in relation to Article 21, thereby transforming it from a narrowly construed guarantee against deprivation of life and personal liberty into a dynamic source of numerous substantive and procedural rights essential to human dignity, justice, and the rule of law.

The Indian model of judicial activism differs significantly from its American counterpart. While judicial activism in the United States primarily focuses on constitutional interpretation, Indian judicial activism has evolved into an instrument for social justice, environmental protection, gender equality, prison reforms, consumer welfare, labour rights, and the protection of disadvantaged groups through Public Interest Litigation (PIL). This proactive role has enabled the judiciary to address issues affecting millions of citizens who may otherwise lack access to justice.

However, judicial activism remains a contested concept. Supporters argue that it strengthens constitutional democracy by protecting individual rights against arbitrary state action. Critics, on the other hand, contend that excessive judicial intervention risks transforming courts into policy-making institutions, thereby undermining the constitutional doctrine of separation of powers.

Constitutional Philosophy of Article 21

Article 21 provides:

"No person shall be deprived of his life or personal liberty except according to procedure established by law."

Unlike many other fundamental rights, Article 21 extends its protection to all "persons" rather than being confined solely to citizens; consequently, foreign nationals, refugees, prisoners, and even undocumented migrants are entitled to its protection, except in matters specifically reserved for citizens under the Constitution. The framers of the Constitution deliberately adopted the phrase "procedure established by law" instead of the American expression "due process of law" because Dr. B. R. Ambedkar and other members of the Constituent Assembly were concerned that the due process doctrine might enable excessive judicial interference in legislative policymaking. Accordingly, Article 21 was initially conceived as a guarantee of procedural protection

against deprivation of life and personal liberty, with the validity of such deprivation depending primarily on compliance with a law duly enacted by the legislature rather than on substantive judicial review of the fairness or reasonableness of that law.

Ironically, subsequent judicial interpretation effectively incorporated substantive due process into Indian constitutional law. Through judicial activism, the Supreme Court held that the "procedure" contemplated under Article 21 must itself be just, fair, reasonable, and non-arbitrary. Thus, the judiciary achieved through interpretation what the framers had consciously omitted from the constitutional text.

The expression "life" has similarly undergone remarkable expansion. The Supreme Court has consistently held that life means more than mere physical survival. It includes the right to live with dignity, enjoy basic human necessities, develop one's personality, and participate meaningfully in society. This expansive interpretation reflects international human rights norms, particularly Article 3 of the Universal Declaration of Human Rights and Article 6 of the International Covenant on Civil and Political Rights.

Judicial Evolution of Article 21

A.K. Gopalan v. State of Madras (1950)

The first major interpretation of Article 21 occurred in *A.K. Gopalan v. State of Madras* (AIR 1950 SC 27), where the Supreme Court upheld the Preventive Detention Act, 1950.

The petitioner argued that preventive detention violated Articles 14, 19, and 21. However, the Court adopted a narrow and compartmentalised interpretation of fundamental rights. It held that each fundamental right existed independently and that Article 21 merely required deprivation of liberty to be authorised by a validly enacted law. The fairness or reasonableness of such law was considered irrelevant. This judgment substantially limited judicial review and accorded significant deference to legislative power. It represented the classical era of judicial restraint. Although constitutionally significant, *Gopalan* has since been regarded as one of the most restrictive interpretations of fundamental rights in Indian constitutional history.

R.C. Cooper v. Union of India (1970)

The constitutional position began to change with *R.C. Cooper v. Union of India* (1970), popularly known as the *Bank Nationalisation Case*.

Rejecting the compartmentalised approach adopted in *Gopalan*, the Supreme Court held that fundamental rights are interconnected rather than mutually exclusive. A single governmental action may simultaneously violate multiple fundamental rights.

Although the case primarily concerned Article 31 relating to property rights, its constitutional reasoning laid the foundation for the later expansion of Article 21. The Court shifted emphasis from the object of legislation to its actual effect upon individual rights.

This doctrinal shift prepared the ground for the revolutionary decision in *Maneka Gandhi*.

Kesavananda Bharati v. State of Kerala (1973)

The landmark decision in *Kesavananda Bharati v. State of Kerala* introduced the Basic Structure Doctrine, holding that Parliament cannot amend the Constitution in a manner that destroys its essential features.

Although Article 21 was not the principal issue, the judgment profoundly influenced later constitutional jurisprudence by recognising the supremacy of constitutional values over transient political majorities.

The decision reinforced the judiciary's role as the ultimate guardian of constitutional governance and strengthened judicial review as a fundamental feature of the Constitution.

ADM Jabalpur v. Shivkant Shukla (1976)

The Emergency period witnessed one of the darkest chapters in Indian constitutional history.

During the Emergency, the Government suspended the enforcement of fundamental rights under Article 359. In *ADM Jabalpur v. Shivkant Shukla*, popularly known as the Habeas Corpus Case, the majority of the Supreme Court held that citizens could not challenge unlawful detention while the Emergency proclamation remained in force.

The judgment effectively denied judicial protection against arbitrary executive detention.

Justice H.R. Khanna's historic dissent, however, asserted that the right to life and liberty existed independently of constitutional recognition and could not be extinguished by executive action.

His dissent has subsequently become one of the most celebrated opinions in Indian constitutional law. Decades later, the Supreme Court expressly overruled the majority decision in *ADM Jabalpur*, acknowledging that it was inconsistent with constitutional morality and the rule of law.

Maneka Gandhi v. Union of India (1978)

The decision in *Maneka Gandhi v. Union of India* (1978) marks the turning point in Article 21 jurisprudence.

The petitioner's passport was impounded by the Government without furnishing reasons. She challenged the action as violating Articles 14, 19, and 21.

The Supreme Court fundamentally transformed constitutional interpretation by holding that:

Procedure established by law must be fair, just, and reasonable.

Arbitrary or oppressive procedures violate Article 21.

Articles 14, 19, and 21 constitute an integrated constitutional framework protecting individual liberty.

Natural justice forms an integral component of constitutional due process.

Justice P.N. Bhagwati observed that constitutional interpretation must remain dynamic and responsive to evolving societal conditions.

The judgment effectively introduced substantive due process into Indian constitutional law without formally amending the Constitution.

Following *Maneka Gandhi*, Article 21 became the constitutional source for numerous implied rights, fundamentally altering the relationship between citizens and the State.

Expansion of Article 21 Through Judicial Activism

The post-*Maneka Gandhi* era witnessed unprecedented judicial creativity. The Supreme Court interpreted the expression "life" to encompass every condition necessary for living with dignity.

Some of the most significant derivative rights recognised under Article 21 include:

Right to live with human dignity (*Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, 1981).

Right to livelihood (*Olga Tellis v. Bombay Municipal Corporation*, 1985).

Right to speedy trial (*Hussainara Khatoon v. State of Bihar*, 1979).

Right to free legal aid (Khatri v. State of Bihar, 1981).

Right to education (later constitutionally reinforced through Article 21A).

Right to health (Consumer Education and Research Centre v. Union of India, 1995).

Right to pollution-free water and environment (M.C. Mehta series of cases).

Right to privacy (Justice K.S. Puttaswamy (Retd.) v. Union of India, 2017).

Right to die with dignity (Common Cause v. Union of India, 2018).

These decisions demonstrate that Article 21 has evolved into the constitutional foundation of human dignity in India. Judicial activism has transformed the provision from a procedural safeguard into a living instrument capable of responding to changing social realities and emerging constitutional challenges.

Expansion of Article 21 Through Judicial Activism

Following the landmark decision in *Maneka Gandhi v. Union of India* (1978), the Supreme Court of India adopted a purposive and liberal approach to constitutional interpretation, transforming Article 21 into the most dynamic provision of the Constitution. The Court recognised that the expression "life" does not merely signify physical existence but encompasses every aspect necessary for leading a meaningful, dignified, and fulfilling life. Through judicial activism, Article 21 has become the constitutional foundation of numerous implied rights that are indispensable to human dignity and democratic governance.

Right to Live with Human Dignity

One of the earliest and most significant expansions of Article 21 occurred in *Francis Coralie Mullin v. Administrator, Union Territory of Delhi* (1981). The Supreme Court held 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, shelter, facilities for reading, writing, and expressing oneself. This decision fundamentally altered the understanding of Article 21 by recognising that mere survival is insufficient; constitutional protection extends to conditions necessary for the full development of human personality.

Similarly, in *Bandhua Mukti Morcha v. Union of India* (1984), the Court held that bonded labour violates the dignity of individuals and directed the State to rehabilitate bonded labourers. The judgment reinforced the constitutional obligation of the State to ensure humane working conditions and social justice.

Right to Livelihood

The Supreme Court further expanded Article 21 in *Olga Tellis v. Bombay Municipal Corporation* (1985), popularly known as the *Pavement Dwellers Case*. The Court recognised that the right to livelihood is an integral component of the right to life because deprivation of livelihood would inevitably deprive a person of the means of survival. While upholding the authority of municipal bodies to remove encroachments, the Court required procedural fairness and consideration of the socio-economic realities faced by pavement dwellers.

This judgment illustrates how judicial activism balanced public interest with individual rights and acknowledged the interdependence of socio-economic rights and civil liberties.

Right to Health and Medical Care

Healthcare has emerged as one of the most significant dimensions of Article 21. In *Consumer Education and Research Centre v. Union of India* (1995), the Supreme Court held that the right to health and medical care forms an integral part of the right to life. Employers and the State have a constitutional obligation to provide adequate medical facilities to workers.

The Court strengthened this principle in *Paschim Banga Khet Mazdoor Samity v. State of West Bengal* (1996), holding that failure of government hospitals to provide timely medical treatment constitutes a violation of Article 21. The judgment emphasised that financial constraints cannot justify denial of emergency medical care.

The COVID-19 pandemic reaffirmed the importance of these principles. Courts monitored the availability of oxygen, hospital beds, medicines, and vaccination policies, demonstrating the continuing relevance of Article 21 during public health emergencies.

Right to Education

Although the Constitution originally placed education within the Directive Principles of State Policy, judicial activism transformed it into a fundamental right. In *Mohini Jain v. State of Karnataka* (1992), the Supreme Court recognised education as an essential component of Article 21. This reasoning was further refined in *Unni Krishnan v. State of Andhra Pradesh* (1993), leading ultimately to the insertion of Article 21A by the Eighty-Sixth Constitutional Amendment, making free and compulsory education for children between six and fourteen years a constitutional right.

This development illustrates how judicial interpretation can influence constitutional amendments and legislative reforms.

Right to a Clean Environment

Environmental protection has emerged as an integral dimension of Article 21 through judicial activism. Beginning with the landmark decision in *M.C. Mehta v. Union of India*, the Supreme Court recognised that environmental degradation poses a direct threat to the right to life and, therefore, falls within the ambit of constitutional protection under Article 21. Through a series of progressive decisions, the Court developed and strengthened several foundational principles of environmental jurisprudence, including the Polluter Pays Principle, the Precautionary Principle, the principle of Sustainable Development, the Public Trust Doctrine, and the doctrine of Absolute Liability for hazardous industries. These judicially evolved principles have not only transformed Indian environmental jurisprudence but have also brought it into closer alignment with internationally accepted norms and principles of environmental law, reinforcing the constitutional commitment to ensuring a clean, healthy, and sustainable environment as an indispensable component of the right to life.

Prisoners' Rights

Judicial activism has ensured that prisoners retain fundamental rights despite lawful incarceration. In *Sunil Batra v. Delhi Administration* (1978), the Supreme Court held that imprisonment does not extinguish constitutional rights except to the extent required by lawful detention.

The Court condemned custodial torture, solitary confinement, and inhuman prison conditions, emphasising that prisoners remain entitled to dignity under Article 21.

Likewise, *D.K. Basu v. State of West Bengal* (1997) established mandatory guidelines governing arrests and police interrogation. These safeguards have become an integral part of criminal justice administration and continue to guide law enforcement agencies.

Right to Privacy

One of the most significant constitutional developments in the evolution of Article 21 occurred in *Justice K.S. Puttaswamy (Retd.) v. Union of India*, in which a unanimous nine-judge Constitution Bench declared the right to privacy to be a fundamental right intrinsic to the rights to life and personal liberty. The Court recognised privacy as an indispensable element of human dignity, bodily autonomy, informational self-determination, personal choice, family life, freedom of expression, and individual autonomy, thereby affirming its centrality to the constitutional guarantee of liberty. In doing so, the Court overruled earlier precedents that had denied constitutional protection to privacy and established a comprehensive constitutional framework for assessing the

validity of governmental intrusions into personal privacy. The judgment has since become the cornerstone of India's evolving jurisprudence on data protection, digital governance, informational privacy, and the regulation of emerging technologies in a constitutional democracy.

Contemporary Challenges to Article 21

The scope of Article 21 continues to evolve in response to technological, environmental, and geopolitical changes. Several emerging issues pose complex constitutional questions.

Artificial Intelligence and Digital Governance

Artificial Intelligence increasingly influences policing, judicial administration, healthcare, employment, and public service delivery. While AI enhances administrative efficiency, algorithmic decision-making raises concerns regarding transparency, discrimination, accountability, and procedural fairness.

Article 21 requires that technological innovations respect constitutional guarantees of dignity, equality, and liberty. Courts may increasingly be called upon to assess whether automated governmental decisions satisfy constitutional standards of fairness.

Digital Surveillance and Facial Recognition

Governments across the world increasingly rely on facial recognition technology, biometric identification systems, and mass surveillance mechanisms to enhance national security, maintain public order, and improve administrative efficiency. While national security constitutes a legitimate and compelling state objective, indiscriminate or disproportionate surveillance poses a serious threat to the constitutional rights to privacy and personal liberty. Consequently, judicial review under Article 21 requires a careful balance between collective security and individual freedoms, ensuring that state action does not result in arbitrary or excessive intrusion into personal autonomy. The constitutional principles articulated in the landmark *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017) provide the governing analytical framework for such review by mandating that any restriction on the right to privacy must satisfy the tests of legality, legitimate state purpose, necessity, and proportionality, thereby safeguarding fundamental rights in the age of digital governance and emerging surveillance technologies.

Internet Shutdowns

Access to the internet has become indispensable for education, commerce, healthcare, communication, and meaningful participation in democratic processes, making digital connectivity an increasingly important aspect of the enjoyment of constitutional rights. Consequently, frequent or prolonged internet shutdowns raise significant constitutional concerns relating to personal liberty, freedom of speech and expression, and access to information. In *Anuradha Bhasin v. Union of India*, the Supreme Court held that restrictions on internet access must satisfy the constitutional requirements of legality, necessity, and proportionality, thereby ensuring that such measures are neither arbitrary nor excessive. Although the Court stopped short of recognising internet access as an independent fundamental right, it affirmed its intrinsic connection with the exercise of constitutional freedoms, particularly those guaranteed under Articles 19 and 21, thereby reinforcing the importance of judicial scrutiny over state-imposed restrictions in the digital era.

Climate Change

Climate change represents one of the greatest contemporary threats to human life. Rising temperatures, floods, droughts, air pollution, and biodiversity loss directly affect the quality of life guaranteed under Article 21. Indian environmental jurisprudence increasingly links environmental protection with intergenerational equity and sustainable development. Future constitutional litigation is likely to address governmental responsibility for climate adaptation and mitigation.

Public Health Emergencies

The COVID-19 pandemic underscored the constitutional significance of Article 21 by bringing issues relating to healthcare, vaccination, the welfare of migrant workers, and emergency governance to the forefront of judicial scrutiny. During this unprecedented public health crisis, constitutional courts were repeatedly called upon to balance individual liberty with the imperative of protecting public health and safety, while simultaneously ensuring governmental accountability in the provision of adequate healthcare infrastructure, medical resources, and essential services. The judicial response during the pandemic reaffirmed that the right to life encompasses access to healthcare and dignified treatment in times of crisis, thereby demonstrating the resilience and adaptability of Article 21 in addressing unprecedented societal challenges and evolving constitutional demands.

Judicial Activism or Judicial Overreach?

Despite its remarkable contribution to the protection and expansion of fundamental rights, judicial activism continues to generate intense constitutional debate. Its proponents argue that judicial activism plays a vital role in safeguarding vulnerable and marginalised communities, enforcing constitutional morality, promoting social justice, strengthening human rights, ensuring the accountability of public authorities, and compensating for legislative and executive inaction, particularly through the instrument of Public Interest Litigation (PIL), which has enabled millions of disadvantaged individuals to secure judicial protection despite limited financial resources. Conversely, critics contend that excessive judicial activism risks transforming courts into policy-making institutions by engaging in judicial legislation beyond constitutional limits, encroaching upon the domain of the legislature and executive, weakening democratic accountability, and addressing complex policy issues that often require specialised financial, administrative, and technical expertise. They also point to the practical difficulties associated with implementing expansive judicial directives. Consequently, some constitutional scholars characterise this trend as "judicial governance," cautioning that while judicial intervention is indispensable for preserving constitutional values and the rule of law, courts should refrain from substituting their own policy preferences for those of democratically elected institutions, thereby maintaining the delicate balance envisaged under the constitutional doctrine of separation of powers.

Critical Analysis

The evolution of Article 21 stands as one of the most remarkable achievements of Indian constitutional jurisprudence, reflecting the Supreme Court's dynamic role in adapting constitutional principles to the changing needs of society. Through purposive interpretation and judicial activism, Article 21 has evolved from a narrowly framed guarantee against arbitrary deprivation of life and personal liberty into a comprehensive source of fundamental human rights encompassing dignity, equality, autonomy, and social justice. This constitutional transformation has enabled the judiciary to respond effectively to emerging challenges arising from technological advancements, environmental degradation, public health crises, and evolving human rights concerns. Nevertheless, the legitimacy of judicial activism ultimately depends upon its fidelity to the constitutional text, underlying constitutional values, established precedent, and the institutional limitations of the judiciary. While judicial intervention remains indispensable for protecting fundamental rights and upholding the rule of law, it must complement rather than supplant the constitutional functions of the legislature and the executive, thereby preserving the doctrine of separation of powers as a basic feature of the Constitution. The enduring challenge, therefore, lies not in curtailing judicial activism but in ensuring that it remains principled, restrained, and constitutionally grounded, thereby preserving both the transformative promise of Article 21 and the democratic legitimacy of India's constitutional framework.

Recommendations

The expansion of Article 21 through judicial activism has significantly strengthened constitutional democracy in India by ensuring that the right to life and personal liberty remains responsive to changing societal realities. However, the increasing complexity of governance, technological innovation, and socio-economic challenges necessitates institutional reforms that preserve the balance between judicial protection of rights and democratic accountability. The following recommendations are proposed:

Enact Comprehensive Legislation on Privacy and Digital Rights

Although the Supreme Court recognised the right to privacy as a fundamental right in Justice K.S. Puttaswamy (Retd.) v. Union of India (2017), effective implementation requires robust statutory safeguards. Parliament should periodically review and strengthen data protection, cybersecurity, artificial intelligence, and digital surveillance laws to ensure conformity with constitutional principles of legality, necessity, proportionality, and accountability.

Develop Constitutional Standards for Artificial Intelligence

Artificial intelligence is increasingly used in governance, policing, education, healthcare, and public administration. AI-driven decision-making must remain transparent, explainable, and free from discrimination. The Supreme Court and Parliament should jointly contribute to developing constitutional principles governing algorithmic accountability, ensuring that technological innovation does not compromise human dignity or personal liberty.

Strengthen Access to Justice

Despite progressive jurisprudence, millions of citizens continue to face barriers in accessing constitutional remedies. Measures such as expanding legal aid services, strengthening Lok Adalats, improving digital court infrastructure, reducing case backlogs, and simplifying procedural rules would make Article 21 more effective for economically weaker sections.

Improve Prison Administration

Judicial directives concerning prison reforms require systematic implementation. Governments should modernise correctional institutions, reduce overcrowding, improve healthcare facilities, provide vocational education, and ensure independent monitoring of custodial conditions. Strict compliance with the guidelines laid down in D.K. Basu v. State of West Bengal should remain mandatory.

Ensure Environmental Sustainability

Environmental degradation poses an existential threat to the constitutional right to life. Legislative and executive authorities should integrate environmental impact assessments, climate resilience measures, and sustainable development goals into public policy. Courts should continue to enforce environmental rights while respecting the policy-making role of specialised regulatory agencies.

Promote Judicial Restraint Alongside Judicial Activism

Judicial activism has undoubtedly strengthened constitutional governance; however, constitutional courts should exercise restraint in matters involving complex economic policies, budgetary allocations, and legislative priorities unless fundamental rights are clearly violated. Maintaining institutional balance enhances the legitimacy of judicial intervention.

Strengthen Constitutional Governance

Protection of life and personal liberty cannot depend solely upon judicial intervention. Parliament, the Executive, statutory commissions, human rights institutions, and civil society organisations must collectively contribute to creating a rights-oriented governance framework. Constitutional literacy and public awareness should also be promoted to empower citizens to assert their rights effectively.

CONCLUSION

The constitutional journey of Article 21 is one of the most remarkable developments in comparative constitutional law. Initially interpreted narrowly in A.K. Gopalan v. State of Madras (1950), Article 21 has evolved into the most comprehensive guarantee of human rights under the Constitution of India. This

transformation has been driven primarily by judicial activism, particularly through the Supreme Court's purposive and dynamic interpretation of constitutional provisions.

The watershed decision in *Maneka Gandhi v. Union of India* (1978) fundamentally altered the meaning of "procedure established by law" by introducing substantive fairness, reasonableness, and non-arbitrariness into Article 21. Thereafter, the Supreme Court recognised numerous derivative rights—including the rights to dignity, livelihood, health, education, legal aid, speedy trial, a clean environment, privacy, and dignified death—thereby converting Article 21 into a living embodiment of constitutional morality.

Judicial activism has played a transformative role in broadening access to justice through the development of Public Interest Litigation (PIL), enabling the judiciary to relax traditional procedural barriers and extend constitutional protection to bonded labourers, prisoners, women, children, environmental advocates, displaced communities, and other socially and economically disadvantaged groups. By adopting a liberal approach to locus standi and constitutional remedies, the Supreme Court has reinforced the constitutional ideals of social justice, equality, and human dignity while ensuring that fundamental rights are meaningful for those who lack the resources to seek conventional legal remedies. At the same time, judicial activism continues to invite legitimate constitutional concerns, as excessive judicial intervention may blur the institutional boundaries between the judiciary, the legislature, and the executive. Since democratic governance requires that elected institutions retain primary responsibility for policymaking and legislation, judicial innovation must remain firmly grounded in the constitutional text, established precedent, institutional competence, and the doctrine of separation of powers, thereby preserving both constitutional accountability and the legitimacy of judicial review.

The emergence of new constitutional challenges—including artificial intelligence, digital surveillance, climate change, cyber governance, misinformation, and public health emergencies—demonstrates that Article 21 will continue to evolve. The judiciary will remain an essential guardian of constitutional freedoms, but effective protection of life and personal liberty ultimately depends upon cooperative constitutionalism among all organs of the State.

In conclusion, judicial activism has transformed Article 21 from a procedural guarantee into the constitutional foundation of human dignity in India. Its evolution reflects the living nature of the Constitution and its capacity to respond to changing social, technological, and political realities. The continuing challenge lies in preserving this transformative constitutional vision while respecting democratic accountability and institutional balance. A principled combination of judicial innovation, legislative responsiveness, and executive responsibility will ensure that Article 21 continues to protect every individual's life, liberty, and dignity in the twenty-first century.

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