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ARTICLE 21 OF THE INDIAN CONSTITUTION: EVOLUTION AND JUDICIAL INTERPRETATION

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ABSTRACT

Article 21 of the Constitution of India guarantees the protection of life and personal liberty and has emerged as one of the most extensively interpreted provisions of Indian constitutional law. Initially interpreted narrowly, the provision underwent a fundamental transformation through judicial decisions, particularly *Maneka Gandhi v. Union of India* (1978), which established that the procedure depriving a person of life or personal liberty must be fair, just and reasonable. Subsequently, the Supreme Court expanded Article 21 to encompass several rights essential to human dignity, including speedy trial, legal aid, livelihood, health, shelter, education, privacy, environmental protection and dignity in death. This paper critically examines the evolution of Article 21, focusing on the contribution of judicial interpretation to the protection of fundamental rights. It analyses landmark judgments, contemporary constitutional challenges and the relationship between judicial activism and the separation of powers. The study adopts a doctrinal methodology based on constitutional provisions, judicial precedents, legislation and secondary legal literature. It finds that judicial interpretation has substantially strengthened constitutional protection, although implementation gaps, institutional limitations and unequal access to justice continue to restrict the effective enjoyment of rights. The paper recommends stronger institutional accountability, accessible legal remedies and effective implementation of judicial directions to advance the constitutional objectives of liberty, dignity and justice.

KEYWORDS: Article 21, Indian Constitution, Right to Life, Personal Liberty, Human Dignity, Judicial Interpretation, Fundamental Rights, Judicial Review.

1. INTRODUCTION

The Constitution of India establishes a comprehensive framework for protecting individual liberty, promoting social justice and limiting arbitrary governmental power. Part III guarantees fundamental rights that protect individuals against unconstitutional legislative and executive action. Among these guarantees, Article 21 occupies a central position because it protects life and personal liberty, which are essential to the enjoyment of other constitutional freedoms.

Article 21 provides that no person shall be deprived of life or personal liberty except according to procedure established by law.[1] Although its language is brief, its constitutional significance has expanded considerably through judicial interpretation. The Supreme Court has progressively recognised that life does not merely mean physical existence; it also encompasses the dignity, autonomy and basic conditions necessary for meaningful human existence.

The evolution of Article 21 reflects a shift from a narrow procedural understanding of liberty towards a broader, rights-oriented approach. The early decision in *A.K. Gopalan v. State of Madras* adopted a restrictive interpretation of the relationship between fundamental rights. However, *Maneka Gandhi v. Union of India* transformed this approach by requiring procedures affecting personal liberty to satisfy standards of fairness, justice and reasonableness.[2]

Subsequent judgments have extended Article 21 to various dimensions of human life, including legal assistance, speedy trial, livelihood, education, healthcare, environmental quality, privacy and reproductive autonomy. These developments demonstrate the importance of judicial interpretation in adapting constitutional guarantees to changing social conditions.

Nevertheless, the expansion of Article 21 raises questions concerning implementation, institutional capacity and the appropriate limits of judicial intervention. The recognition of a right by a court does not automatically guarantee its effective enjoyment. Consequently, a critical examination of Article 21 must consider both its doctrinal development and the practical challenges associated with enforcing constitutional rights.

[1] Constitution of India, art. 21.

[2] *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27; *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

2. Constitutional Framework of Article 21

2.1 Meaning and scope

Article 21 is situated in Part III of the Constitution under the heading "Right to Life and Personal Liberty." Its protection extends to every person, including citizens and non-citizens, subject to the Constitution and applicable law.

The provision protects two closely related interests: life and personal liberty. Life encompasses more than biological survival and has been judicially interpreted to include dignity and certain conditions necessary for meaningful existence. Personal liberty protects individuals against unlawful restrictions on their freedom.

The phrase "procedure established by law" requires deprivation of life or personal liberty to have a legal basis. Following *Maneka Gandhi*, however, the existence of a formally enacted procedure is not sufficient by itself. The applicable law and procedure must satisfy the relevant constitutional requirements of fairness and non-arbitrariness.[3]

2.2 Relationship with Articles 14 and 19

Articles 14, 19 and 21 constitute an interconnected framework for protecting constitutional freedoms. Article 14 guarantees equality before the law and equal protection of the laws. Article 19 protects specified freedoms of citizens, subject to constitutionally permitted restrictions. Article 21 safeguards life and personal liberty.

In *Maneka Gandhi*, the Supreme Court emphasised that these provisions should not be interpreted as completely isolated guarantees. A measure affecting personal liberty may therefore be examined under Article 21 together with Articles 14 and 19, where applicable.[4]

This integrated approach strengthens judicial review by requiring courts to consider whether restrictions on liberty satisfy the relevant constitutional standards rather than merely whether a statutory procedure exists.

2.3 Constitutional remedies

Articles 32 and 226 provide important mechanisms for enforcing fundamental rights. Article 32 empowers the Supreme Court to issue appropriate writs for the enforcement of fundamental rights. Article 226 empowers High Courts to issue writs for enforcing fundamental rights and for other purposes within their jurisdiction.

Habeas corpus is particularly significant in cases of unlawful detention. Other constitutional remedies may address arbitrary state action, violations of procedural safeguards and failures to discharge legal obligations.

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[3] *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.
[4] Ibid.

The effectiveness of Article 21 therefore depends upon substantive constitutional protection, independent judicial review and meaningful access to remedies.

3. Historical Evolution of Article 21

3.1 Early interpretation: *A.K. Gopalan v. State of Madras*

In *A.K. Gopalan v. State of Madras*, the Supreme Court considered the validity of preventive detention and the meaning of personal liberty. The majority adopted a comparatively narrow interpretation of the relationship between different fundamental rights.[5]

The judgment placed considerable emphasis on the existence of a procedure established by law and treated constitutional guarantees as substantially distinct in their operation.

This approach became an important starting point in the development of Article 21 jurisprudence. Subsequent decisions, however, moved towards a more integrated understanding of fundamental rights and imposed stronger constitutional requirements on laws affecting liberty.

3.2 Transitional development: *R.C. Cooper v. Union of India*

In *R.C. Cooper v. Union of India*, the Supreme Court reconsidered aspects of its earlier approach to fundamental rights. The Court emphasised the importance of examining the actual effects of state action on constitutionally protected interests.[6]

Although the case concerned bank nationalisation, its reasoning contributed to the development of an integrated approach to fundamental rights. It helped prepare the doctrinal foundation for the later interpretation of Articles 14, 19 and 21 as interconnected guarantees.

3.3 Personal liberty during the Emergency: *ADM Jabalpur v. Shivkant Shukla*

The Emergency-era decision in *Additional District Magistrate, Jabalpur v. Shivkant Shukla* concerned the availability of judicial remedies against detention when enforcement of specified fundamental rights had been suspended.[7]

The majority adopted an approach that severely restricted judicial remedies in the circumstances prevailing during the Emergency. Justice H.R. Khanna's dissent defended the fundamental significance of life and liberty and the principle that state power must remain subject to law.

[5] *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27.
[6] *R.C. Cooper v. Union of India*, (1970) 1 SCC 248.
[7] *Additional District Magistrate, Jabalpur v. Shivkant Shukla*, (1976) 2 SCC 521.

The judgment was subsequently disapproved in Indian constitutional jurisprudence. In *Justice K.S. Puttaswamy (Retd.) v. Union of India*, the Supreme Court expressly recognised the error in the approach adopted by the majority in *ADM Jabalpur*.[8]

The Forty-fourth Constitutional Amendment also strengthened protection by providing that the enforcement of Articles 20 and 21 cannot be suspended through an order under Article 359 during an Emergency.[9]

This episode demonstrates the importance of judicial independence and effective constitutional remedies in protecting liberty during exceptional circumstances.

3.4 The turning point: *Maneka Gandhi v. Union of India*

The judgment in *Maneka Gandhi v. Union of India* marked a major transformation in the interpretation of Article 21. The case arose from the impounding of Maneka Gandhi's passport under the Passports Act, 1967.

The Supreme Court held that the procedure contemplated by Article 21 could not be arbitrary, unfair or unreasonable. It also recognised the relationship between Articles 14, 19 and 21.[10]

The decision strengthened the principle that the State cannot deprive a person of liberty merely by relying on the existence of a formally enacted procedure. The procedure and the law authorising it must comply with the relevant constitutional guarantees.

The judgment consequently became the foundation for subsequent developments concerning natural justice, personal autonomy, fair criminal proceedings and substantive protection of individual liberty.

4. Judicial Expansion of Article 21

4.1 Right to human dignity

In *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, the Supreme Court explained that the right to life includes the ability to live with human dignity and access basic necessities.[11]

The decision established that Article 21 protects more than bare physical existence. It also has implications for persons in custody, whose lawful detention does not extinguish their fundamental rights. Human dignity has subsequently become a recurring principle in cases

[8] *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.
[9] Constitution (Forty-fourth Amendment) Act, 1978; Constitution of India, arts. 20, 21 and 359.
[10] *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.
[11] *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 SCC 608.

concerning privacy, healthcare, reproductive autonomy, prison conditions and end-of-life decisions.

4.2 Right to speedy trial and legal aid

In *Hussainara Khatoon v. State of Bihar*, the Supreme Court examined the prolonged detention of undertrial prisoners. The Court recognised speedy trial as an essential component of Article 21.[12]

The judgment highlighted the injustice caused when criminal proceedings continue for excessive periods, particularly where accused persons lack the financial means to secure effective legal representation.

The right to speedy trial is closely connected with Article 39A, which directs the State to provide equal justice and free legal aid. In *Khatri (II) v. State of Bihar*, the Supreme Court further emphasised the State's obligation to provide legal assistance to eligible accused persons.[13]

These decisions demonstrate that procedural fairness requires more than formal access to courts. It also requires timely proceedings, adequate legal representation and effective protection against unjustified detention.

4.3 Right to livelihood

In *Olga Tellis v. Bombay Municipal Corporation*, the Supreme Court considered the removal of pavement dwellers and the relationship between livelihood and the right to life. The Court recognised that livelihood is an important component of Article 21 because its deprivation may directly affect the ability to sustain life.[14]

The judgment did not establish an unrestricted right to occupy public land. Instead, it acknowledged the constitutional importance of livelihood while considering the lawful exercise of municipal powers. The case illustrates the relationship between individual dignity, socioeconomic vulnerability and legitimate public administration.

4.4 Right to shelter

In *Chameli Singh v. State of Uttar Pradesh*, the Supreme Court discussed the significance of shelter as an element of dignified existence.[15]

Shelter is not merely a physical structure. It is connected with security, privacy and the conditions necessary for human development. However, judicial recognition of shelter-

[12] *Hussainara Khatoon (I) v. State of Bihar*, (1980) 1 SCC 81.
[13] *Khatri (II) v. State of Bihar*, (1981) 1 SCC 627; Constitution of India, art. 39A
[14] *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545.
[15] *Chameli Singh v. State of Uttar Pradesh*, (1996) 2 SCC 549.

related interests does not automatically create an unconditional entitlement to any particular property or housing arrangement. The constitutional significance of shelter must be considered alongside applicable legislation, public policy and the obligations of the State.

4.5 Right to education

In *Unni Krishnan, J.P. v. State of Andhra Pradesh*, the Supreme Court developed the relationship between education and Article 21.[16]

Subsequently, the Constitution (Eighty-sixth Amendment) Act, 2002 inserted Article 21A, which expressly guarantees free and compulsory education to children aged six to fourteen years. The Right of Children to Free and Compulsory Education Act, 2009 established a statutory framework for implementing this guarantee.[17] This development demonstrates the interaction between judicial interpretation, constitutional amendment and legislation in strengthening fundamental rights.

4.6 Right to health and emergency medical care

In *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*, the Supreme Court considered the failure of government hospitals to provide timely emergency treatment. The Court held that the State's obligation to protect life includes appropriate measures to provide necessary medical assistance.[18]

The judgment strengthened the constitutional responsibilities of public healthcare institutions. It also demonstrated that administrative failures affecting emergency treatment may have constitutional consequences. However, the practical enjoyment of health-related rights depends on adequate hospitals, trained personnel, medical supplies, public funding and equitable access to services.

4.7 Right to a clean environment

In *Subhash Kumar v. State of Bihar*, the Supreme Court observed that Article 21 includes the right to enjoy pollution-free water and air for the full enjoyment of life.[19]

Environmental jurisprudence has subsequently addressed air pollution, industrial hazards, waste management and ecological protection.

In *M.K. Ranjitsinh v. Union of India* (2024), the Supreme Court examined the relationship between climate change, environmental protection and constitutional rights under Articles 14 and 21.[20]

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[16] *Unni Krishnan, J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645.

[17] Constitution (Eighty-sixth Amendment) Act, 2002; Constitution of India, art. 21A; Right of Children to Free and Compulsory Education Act, 2009.

[18] *Paschim Banga Khet Mazdoor Samity v. State of West Bengal*, (1996) 4 SCC 37.

[19] *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598.

These developments establish the importance of environmental quality to human well-being. They also require public authorities to balance ecological protection, livelihoods, scientific evidence and development needs through reasoned decision-making.

4.8 Right to privacy

The recognition of privacy represents one of the most significant developments in Article 21 jurisprudence.

In *Justice K.S. Puttaswamy (Retd.) v. Union of India*, a nine-judge bench of the Supreme Court unanimously recognised privacy as a fundamental right protected by Part III of the Constitution.[21]

The Court connected privacy with dignity, autonomy, personal choices and liberty. The judgment rejected the proposition that privacy lacked constitutional protection simply because it was not expressly listed as a separate fundamental right.

Privacy encompasses several interests, including bodily integrity, intimate decisions and informational autonomy. However, it is not absolute. State interference must be examined under applicable constitutional standards, including legality, legitimate purpose and proportionality.

The Digital Personal Data Protection Act, 2023 is also relevant to the statutory regulation of personal data, subject to its provisions and applicable commencement arrangements.[22]

4.9 Right to reproductive autonomy

In *Suchita Srivastava v. Chandigarh Administration*, the Supreme Court recognised reproductive choice as an aspect of personal liberty under Article 21.[23]

The judgment emphasised the importance of individual autonomy in reproductive decision-making. It demonstrated that constitutional dignity includes respect for personal choices concerning bodily integrity and reproduction. This principle has wider implications for medical consent, reproductive healthcare and the protection of individual autonomy, subject to applicable law.

4.10 Right to die with dignity

The relationship between Article 21 and end-of-life decisions has evolved through several important judgments.

[20] *M.K. Ranjitsinh v. Union of India*, 2024 INSC 280.
[21] *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1.
[22] Digital Personal Data Protection Act, 2023.
[23] *Suchita Srivastava v. Chandigarh Administration*, (2009) 9 SCC 1.

In *Gian Kaur v. State of Punjab*, the Supreme Court held that the right to life does not ordinarily include a general right to terminate one's life. At the same time, it recognised the relevance of dignity in the final stages of natural life.[24]

In *Common Cause v. Union of India*, the Supreme Court recognised the constitutional significance of dying with dignity and addressed advance directives and passive euthanasia within a regulated legal framework.[25]

In *Harish Rana v. Union of India* (2026), the Supreme Court considered the withdrawal of clinically assisted nutrition and hydration in the context of an irreversible vegetative state. The judgment addressed medical treatment, the patient's best interests and the applicable safeguards governing end-of-life decisions.[26]

These decisions do not establish an unrestricted right to suicide or an unregulated right to withdraw treatment. Instead, they demonstrate the need to reconcile life, dignity, medical judgment, patient autonomy and procedural safeguards.

5. Contemporary Challenges to Article 21

5.1 Digital privacy and surveillance

Digital technology has transformed the collection, storage and processing of personal information. Government databases, digital identity systems, financial technology and online services raise concerns about consent, surveillance, data security and informational autonomy.

The principles established in *Puttaswamy* provide an important constitutional framework for evaluating state interference with privacy. Effective protection requires appropriate safeguards, transparency, accountability and access to remedies against unlawful data practices.

5.2 Internet access and freedom

Internet access increasingly influences education, employment, communication and access to public services. Restrictions on internet services may consequently affect several constitutional interests.

In *Anuradha Bhasin v. Union of India*, the Supreme Court held that freedom of speech and expression and the freedom to practise a profession through the medium of the internet receive constitutional protection under Article 19, subject to applicable restrictions. The

[24] *Gian Kaur v. State of Punjab*, (1996) 2 SCC 648.
[25] *Common Cause v. Union of India*, (2018) 5 SCC 1.
[26] *Harish Rana v. Union of India*, 2026 INSC 222, judgment dated 11 March 2026.

Court also emphasised the importance of publication and review of orders imposing internet restrictions.[27]

The judgment does not establish that every aspect of internet access is an independently absolute right under Article 21. Rather, it demonstrates that restrictions affecting digital communication must satisfy applicable constitutional standards.

5.3 Custodial violence and unlawful detention

In *D.K. Basu v. State of West Bengal*, the Supreme Court laid down safeguards intended to prevent custodial abuse and strengthen accountability during arrest and detention.[28]

The judgment emphasised the importance of procedural safeguards, documentation and accountability. Nevertheless, effective protection depends on implementation, independent investigation, police training, legal representation and institutional oversight.

5.4 Environmental degradation and climate change

Environmental degradation affects health, livelihoods and the conditions necessary for dignified existence. Air pollution, unsafe water, industrial contamination and climate-related risks present continuing challenges to the realisation of Article 21.

Constitutional remedies can require authorities to comply with legal obligations, but effective environmental protection also depends on scientific monitoring, administrative capacity and public participation.

5.5 Unequal access to constitutional remedies

Persons experiencing poverty, disability, social exclusion or geographic isolation may face practical barriers in enforcing Article 21. Legal costs, limited awareness, procedural complexity and delays can reduce the effectiveness of constitutional protection.

Accordingly, the availability of judicial remedies must be accompanied by accessible legal aid, effective grievance mechanisms and administrative accountability.

6. Critical Analysis

6.1 Contribution of judicial activism

The expansion of Article 21 demonstrates the importance of judicial interpretation in protecting constitutional freedoms. The Supreme Court has addressed situations in which a narrow reading of the constitutional text might have failed to provide adequate protection against arbitrary state action.

[27] *Anuradha Bhasin v. Union of India*, (2020) 3 SCC 637

[28] *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416.

Public interest litigation has also enabled courts to consider certain structural problems affecting disadvantaged communities. Judicial decisions concerning undertrial prisoners, healthcare, environmental protection and custodial safeguards illustrate the practical importance of constitutional review. Nevertheless, judicial intervention must remain grounded in constitutional provisions, legal principles and the facts of each case.

6.2 Separation of powers and institutional limits

Judicial recognition of rights may require public authorities to adopt policies, allocate resources or reform administrative practices. However, courts do not possess the same institutional capacities as legislatures and executive agencies for designing and implementing every public programme.

A balanced approach requires courts to enforce constitutional obligations while allowing constitutionally permissible policy choices to be made by the appropriate institutions. Judicial intervention should be reasoned, proportionate and sensitive to institutional competence.

6.3 The gap between recognition and implementation

The recognition of a constitutional right does not necessarily ensure that individuals can enjoy it in practice. For example, speedy trial depends on the availability of judges, effective investigation and adequate court infrastructure. The right to healthcare depends on medical facilities, personnel and resources.

Consequently, Article 21 must be supported by effective implementation mechanisms. Government institutions should treat constitutional obligations as practical responsibilities rather than merely formal legal declarations.

6.4 Balancing liberty and public interest

Article 21 operates alongside other constitutional values, including public health, security, environmental protection and the rights of other individuals.

Restrictions affecting liberty must therefore be assessed under the applicable constitutional standards. The existence of a public purpose does not automatically justify every restriction; legality, necessity, proportionality and procedural safeguards remain relevant considerations.

6.5 Socioeconomic rights and state responsibility

The expansion of Article 21 has strengthened the constitutional recognition of dignity and essential living conditions. Nevertheless, socioeconomic rights frequently require sustained expenditure and institutional coordination.

Courts, legislatures and executive authorities must work within their respective constitutional responsibilities to ensure that resource limitations are evaluated transparently and do not become automatic justifications for neglecting fundamental rights.

7. Major Findings

The study produces the following findings:

1. Article 21 has evolved from a relatively narrow protection against deprivation of liberty into a broad constitutional guarantee informed by dignity, fairness and autonomy.
2. *Maneka Gandhi v. Union of India* marked a major turning point by strengthening the relationship between Articles 14, 19 and 21.
3. Judicial interpretation has recognised several rights relating to speedy trial, legal aid, livelihood, health, education, privacy and environmental quality within the relevant constitutional framework.
4. Article 21 has contributed to the protection of vulnerable persons, including prisoners and individuals facing exclusion from essential services.
5. Judicial recognition alone cannot ensure effective enjoyment of rights. Institutional capacity, legal awareness, public resources and accessible remedies remain essential.
6. Digital technology, environmental degradation and end-of-life decision-making present evolving challenges to constitutional protection.
7. Sustainable enforcement requires coordination among the judiciary, legislature, executive and public institutions responsible for delivering essential services.

8. Suggestions and Recommendations

Strengthen implementation mechanisms: Public authorities should establish effective procedures for implementing binding judicial decisions concerning Article 21. Clear responsibilities, reasonable timelines and transparent compliance reporting can improve accountability.

Improve access to legal aid : Legal aid services should be strengthened for undertrial prisoners, economically disadvantaged persons and vulnerable communities. Timely legal representation is essential for making constitutional remedies meaningful.

Reduce delays in criminal proceedings : Judicial vacancies, inadequate infrastructure and delays in investigation should be addressed through institutional reform, improved case management and appropriate use of technology.

Improve access to healthcare : Public authorities should strengthen emergency medical services, primary healthcare, hospital capacity and access to essential medicines. Effective grievance redressal can help translate constitutional principles into practical protection.

Protect privacy and digital autonomy : Digital governance measures should comply with constitutional standards and applicable data protection law. Appropriate safeguards should govern the collection, retention, use and disclosure of personal information.

Strengthen environmental accountability : Environmental regulation should incorporate scientific evidence, transparent decision-making and public participation. Effective monitoring is necessary to protect the constitutional interests associated with environmental quality.

Prevent custodial abuse : Police and prison authorities should receive regular training on constitutional rights and applicable legal safeguards. Independent oversight and effective investigation are necessary to prevent custodial violations.

Encourage empirical research : Universities and research institutions should undertake empirical studies examining the implementation of Article 21 across selected jurisdictions. Such studies should evaluate access to remedies, implementation of judicial directions and the experiences of vulnerable populations.

Maintain institutional balance : Courts should enforce fundamental rights while respecting constitutionally permissible policy choices. Legislatures and executive authorities must, in turn, discharge their responsibilities for implementing and protecting constitutional guarantees.

9. CONCLUSION

The evolution of Article 21 illustrates the transformative potential of constitutional interpretation in protecting life, liberty and human dignity. From the early approach in *A.K. Gopalan* to the landmark judgment in *Maneka Gandhi*, and from the recognition of livelihood and healthcare to the protection of privacy and dignity at the end of life, the Supreme Court has progressively expanded the meaning of life and personal liberty.

Article 21 has consequently become a central component of India's constitutional framework. Its development has enabled judicial scrutiny of governmental action and strengthened the protection of individual autonomy, procedural fairness and essential conditions for dignified existence. The constitutional promise of Article 21 cannot be fulfilled through judicial interpretation alone. Effective enforcement requires accessible remedies, capable institutions, adequate public services and accountability for violations. Emerging challenges involving digital technology, environmental protection and medical decision-making further demonstrate the need for careful and context-sensitive constitutional interpretation.

Ultimately, Article 21 should be understood as both a safeguard against arbitrary deprivation and a constitutional commitment to human dignity. Its continuing development must combine principled judicial review with effective governance, institutional responsibility and meaningful access to justice.

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