

FUNDAMENTAL RIGHT WITH SPECIAL REFERENCE TO RIGHT TO SLEEP

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Abstract

Fundamental rights are basic rights and freedoms that are guaranteed to individuals by a government. These rights are considered essential for the well-being and dignity of individuals, and they typically form the core principles of a democratic society. The concept of fundamental rights can vary from one country to another, but there are common themes that are often recognized internationally. Fundamental rights are the cornerstone of a just and democratic society. These rights encompass the essential liberties and entitlements that every individual should enjoy. They include the freedom to express one's thoughts and beliefs (Freedom of Speech), the ability to practice one's chosen religion (Freedom of Religion), and the inherent right to safeguard one's existence from unjust harm or deprivation (Right to Life). Equally vital are the assurances of personal freedom (Right to Liberty), the guarantee of a just and impartial legal process (Right to a Fair Trial), and the freedom to peacefully gather for various purposes (Freedom of Assembly). These fundamental rights are considered fundamental because they are essential for the protection and promotion of human dignity, freedom, and the overall well-being of individuals. The specific rights and the extent to which they are protected can vary by country and may be subject to legal and cultural differences. Nonetheless, they are a cornerstone of democratic societies and the rule of law, and their recognition and protection are integral to the concept of human rights. The concept of a "right to sleep" is not typically recognized as a fundamental right in most legal systems or international human rights instruments. The primary aim of this research paper is to investigate and analyze the concept of the "right to sleep" within the framework of fundamental human rights, particularly in the context of health and well-being. The paper aims to shed light on the importance of sleep as a fundamental aspect of human existence and to examine how its recognition and protection can contribute to the overall quality of life.

Keywords: Sleep, Fundamental Rights, Constitution, Human, Health

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1. INTRODUCTION

The Constitution of India is the supreme law of India, and it serves as the foundational document that governs the country. It was adopted on January 26, 1950, and it came into effect on that day, marking India's transformation into a republic. The Constitution of India stands as one of the most intricate and all-encompassing legal frameworks globally, exerting a pivotal influence in molding the political, social, and legal landscape of the nation.¹ The Constitution of India is the fundamental legal document that governs the country's political and legal system. It lays down the framework for how the government functions, the rights and duties of citizens, and the distribution of powers between different branches of government. It is often described as the "supreme law of the land" and serves as the guiding document for all laws and regulations in India.² Fundamental Rights distinguish themselves from other rights that we possess. While standard legal rights find protection and enforcement through ordinary laws, Fundamental Rights receive safeguarding and assurance through a country's constitution. These encompass individual liberties that are commonplace in most liberal democracies, including the principles of equality before the law, freedom of speech and expression, the right to assemble and associate peacefully, the freedom to practice one's religion, and the entitlement to constitutional remedies for the protection of civil rights, often via writs such as habeas corpus.³

A. *Meaning and Definition*

The Constitution of India is a written document that embodies the values, principles, and rules upon which the Indian state is based. It sets out the fundamental framework for governance, the organization of the state, the rights and responsibilities of citizens, and the procedures for lawmaking and governance. The Constitution of India can be defined as the supreme legal document that defines the structure and powers of the various branches of government, including the executive, legislature, and judiciary. establishes the fundamental rights and freedoms of citizens, ensuring equality, justice, and liberty. And lays down the directive principles of state policy, which guide the government in promoting social justice and the welfare of the people.

B. *Definitions*

¹ Fundamental Rights - Meaning and Concept. *available at:* <https://lawcorner.in/fundamental-rights-meaning-and-concept/>. (last visited on: 09.07.2023)

² Constitution of India, art. 13

³ *Ibid.*

Various authors have provided definitions and visions into the concept of a constitution. They are as follows:

A.V. Dicey: A Constitution is an aggregate of laws, customs, and conventions which define the composition, powers, and functions of the organs of government, and regulate the relations of the organs with each other and with the citizens.⁴

John C. Hamilton:⁵ A compact of government, directly emanating from the sovereign power, and continuing in force by the voluntary consent of the people.

Carl J. Friedrich:⁶ A system of fundamental laws and principles of government by which a nation, state, or body politic is organized and governed.

Sir Ivor Jennings: Sir Ivor Jennings, a British constitutional lawyer, defined a constitution as the set of rules that seek to establish the duties, powers, and functions of the various institutions of government, regulate the relationships between them, and define the relationship between the state and the individual.

D.D. Basu:⁷ A document having a special legal sanctity which sets out the framework and the principal functions of the organs of the government of a state and declares the principles governing the operation of those organs.

Hans Kelsen:⁸ A constitution is a norm or set of norms, i.e., a valid legal norm that determines the validity of other norms and is placed at the top of the hierarchy of norms.

Thomas Paine:⁹ An act of the people in their original character, and forming a government, and electing officers, and continuing them in office.

2. ORIGIN AND DEVELOPMENT

Part III of the Indian Constitution, titled “Fundamental Rights,” assures the people of India a set of fundamental, innate, and unassailable rights. The Fundamental Rights are enshrined in Part III of the Constitution (Articles 12-35).¹⁰ The origin and development of fundamental rights can be traced through historical, philosophical, and legal evolution. While the concept of rights has

⁴ A.V. Dicey, a British constitutional scholar, provided a classic definition about Constitution.

⁵ John C. Hamilton, An American statesman and biographer of Alexander Hamilton, defined a constitution.

⁶ Carl J. Friedrich, a German American political scientist, defined a constitution.

⁷ Durga Das Basu, an Indian jurist, defined a constitution.

⁸ Hans Kelsen, an Austrian jurist, offered a more abstract definition regarding Constitution.

⁹ Thomas Paine, a Founding Father of the United States, described a constitution.

¹⁰ Narender Kumar, Constitutional Law of India 108 (Allahabad Law Agency, 7th Edn., 2008).

ancient roots, the modern understanding of fundamental rights as a central element of democratic governance has evolved over centuries. Greece and Rome: The idea of individual rights has some of its earliest origins in ancient Greece and Rome. Philosophers like Aristotle discussed the importance of individual liberty and the rule of law. In medieval England, the Magna Carta (1215) played a crucial role in establishing principles of limited government and the rule of law. While it was initially a document protecting the rights of nobles, it set a precedent for the idea that even rulers were subject to the law and that certain rights were inalienable.¹¹

A. Enlightenment Thinkers

The 17th and 18th centuries saw a significant philosophical movement known as the Enlightenment. Thinkers like John Locke, Thomas Hobbes, Jean-Jacques Rousseau, and others explored the concept of natural rights - the idea that certain rights are inherent to all humans by virtue of their existence, and that governments exist to protect these rights. The United States Declaration of Independence, adopted in 1776, famously asserted the concept of unalienable rights, including "life, liberty, and the pursuit of happiness." This document was influential in shaping the idea of fundamental rights in the context of a democratic nation. The French Revolution of 1789 further solidified the concept of fundamental rights in its famous "Declaration of the Rights of Man and of the Citizen." This document proclaimed the equality and rights of all citizens, laying the groundwork for modern human rights principles. The development of fundamental rights is an ongoing process influenced by historical events, philosophical ideas, social movements, and legal developments. They play a critical role in safeguarding individual freedoms, promoting equality, and ensuring that governments respect the rights and dignity of their citizens.¹²

B. Key Characteristics of Fundamental Rights

Inalienable: Fundamental rights are inherent to every human being and cannot be taken away or alienated under normal circumstances. They are not privileges granted by the government but are inherent to human dignity.

Universal: Fundamental rights are intended for universal enjoyment, applying to all individuals without discrimination based on race, religion, gender, nationality, or any other distinguishing characteristics.

¹¹ *Ibid.*

¹² *Ibid.*

Protected by Law: These rights are legally protected and enforceable. Governments are obligated to respect and uphold them, and individuals can seek legal remedies if their fundamental rights are violated.

Balancing Act: The exercise of fundamental rights may be subject to limitations in certain situations, such as for national security or public order, but these limitations must be reasonable, proportionate, and justifiable.

Enforced by the Judiciary: In many countries, the judiciary plays a critical role in interpreting and enforcing fundamental rights. Courts can review government actions and laws to ensure they comply with constitutional rights.

Fundamental Rights: Fundamental rights can differ from one nation to the next, but there exist common categories of these inherent human rights. In the Constitution of India, these fundamental rights are ensured for all citizens and are to be upheld without discrimination based on race, religion, gender, and other factors. Notably, what sets them apart is their enforceability through the judicial system, albeit subject to certain conditions. They earn the term “fundamental rights” for two compelling reasons: they are embedded in the constitution, and they are subject to judicial enforcement.¹³ In case of a violation, a person can approach a court of law. Here are some typical examples:

Freedom of Speech: The freedom of speech and expression is a cornerstone of democratic societies, and it holds fundamental importance in India as well. It guarantees the ability of citizens to openly express their thoughts and opinions without censorship or undue government interference. However, it's important to note that this right is specifically granted to citizens of India and does not extend to foreign nationals. Under the Indian Constitution, the freedom of speech and expression encompasses the liberty to communicate one's viewpoints and ideas on any subject through various mediums such as spoken words, written content, printing, visual arts, films, and other forms of media. This broad interpretation ensures that individuals have the flexibility to express themselves in diverse ways.

However, it's essential to acknowledge that this right is not absolute. The Constitution permits the government to enact laws that impose rational restrictions on freedom of speech and expression when necessary to protect India's sovereignty and integrity, maintain state security,

¹³ What are Fundamental Rights, *available at:* <https://byjus.com/free-ias-prep/fundamental-rights/> (last visited on 27.08.2023).

foster international relations, preserve public order, uphold moral standards, prevent contempt of court, address defamation issues, and prevent incitement to commit offenses. These limitations on an individual's freedom of speech and expression can be implemented through both governmental actions and inactions. Therefore, it is the state's duty to ensure this fundamental right for all its citizens. Failing to do so would be deemed a violation of Article 19(1)(a) of the Indian Constitution. This provision ensures that while citizens enjoy the privilege of freedom of speech and expression, it is subject to responsible exercise and reasonable constraints in the broader interest of the nation and its people.¹⁴

Freedom of Religion: The right to practice any religion or belief system, or to hold no religious beliefs at all, without facing discrimination or persecution is a fundamental principle enshrined in the Indian Constitution. The Constitution safeguards the freedom of religion for all individuals in India. According to its provisions, every individual in India is entitled to freedom of conscience, provided it is within the bounds of public order, morality, health, and other legal considerations. They have the right to freely profess, practice, and propagate their chosen religion. Additionally, the Constitution clarifies that this provision does not impede any existing laws or hinder the state from enacting legislation related to the regulation or restriction of economic, financial, political, or secular activities associated with religious practices; the implementation of social welfare and reform measures; or the management of Hindu religious institutions serving the public while ensuring accessibility to all sections of the Hindu community. These provisions aim to strike a balance between the freedom of religion and the need to maintain public order, morality, and other essential societal considerations. The Constitution recognizes the importance of safeguarding individual beliefs while allowing the state to regulate specific aspects associated with religious practices and institutions in the interest of the greater good of society.¹⁵

Right to Life: The right to life, including protection from arbitrary deprivation of life, is a cornerstone of human rights, often associated with the abolition of the death penalty. The right to life stands as the most fundamental of all rights, serving as the foundational pillar upon which all other rights are constructed. Human rights inherently pertain to the existence of living beings,

¹⁴ N Pradhan, 'Constitution of India-Freedom of speech and expression', *Legal Service India*, available at: <https://www.legalserviceindia.com/legal/article-572-constitution-of-india-freedom-of-speech-and-expression.html>. (last visited on 23.07.2-23)

¹⁵ Sachi Ashok Bhiwgade, 'Right to Freedom of Religion: Articles 25-28 of the Indian Constitution', *iPleaders*, available at: <https://blog.ipleaders.in/right-to-freedom-of-religion-articles-25-28/>. (last visited on 20.08.2023)

and without the right to life, other rights would lose their significance and purpose.¹⁶ In the context of the Indian Constitution, the interpretation of Article 21¹⁷ is pivotal in understanding the right to life. Originally, if Article 21 had been construed narrowly, it would have diminished the significance of other Fundamental Rights. However, the Supreme Court of India has played a crucial role in broadening the interpretation of the right to life. The term 'life' as mentioned in Article 21 goes beyond mere physical existence or the act of breathing. It encompasses a wide array of rights, including the right to live with human dignity, the right to earn a livelihood, the right to good health, and the right to an environment free from pollution. This expansive interpretation by the Supreme Court has given depth and meaning to the right to life in the Indian context, recognizing the importance of not only preserving life but also enhancing its quality and dignity.¹⁸

Right to Liberty and Security: The right to personal freedom and protection from arbitrary arrest or detention is a vital component of human rights. Within the Indian Constitution, Article 21 establishes the right to life, which transcends mere existence or the act of breathing but rather ensures the right to a life marked by dignity. Article 21 encompasses various rights that have been progressively included in its scope over time. These rights include:

- i. **Right to Live with Human Dignity:** Every individual has the right to live with dignity, ensuring that their basic human rights and respect are upheld.
- ii. **Right to a Decent Environment:** This involves access to a pollution-free environment, including clean water and air, and protection against hazardous industries that may harm the environment and human health.
- iii. **Right to Livelihood:** Individuals have the right to earn a living and pursue gainful employment to sustain themselves and their families.
- iv. **Right to Privacy:** The right to privacy ensures that an individual's personal space and information are protected from unwarranted intrusion.

¹⁶ Shatakshi Johri, Lectures on Constitutional Law 17 (Central Law Publications, 1st Edn., 2016).

¹⁷ Constitution of India, art. 21, "No person shall be deprived of his life or personal liberty except according to procedure established by law."

¹⁸ Constitution of India, art. 2, Understanding the Right to Life and Personal Liberty from Case Laws-Academike Explainer, available at: <https://www.lawctopus.com/academike/article-21-of-the-constitution-of-india-right-to-life-and-personal-liberty/>. (last visited on 20.07.2023).

- v. Right to Shelter: Every person has the right to a safe and adequate place to live, ensuring protection from homelessness and exposure to the elements.
- vi. Right to Health: Individuals have the right to access healthcare services, ensuring their physical and mental well-being.

These rights collectively contribute to a holistic interpretation of Article 21, which not only safeguards the right to life but also emphasizes the importance of living a life of dignity, security, and well-being. This interpretation underscores the commitment of the Indian Constitution to protecting and promoting the fundamental rights of its citizens.¹⁹

Right to a Fair Trial: Ensuring a fair and impartial trial by a competent and independent tribunal is a fundamental element of justice in the Indian legal system. The Constitution of India acts as the paramount law of the land, providing the fundamental structure for the governance of the criminal justice system. The Constitution ensures several key principles, including:

- i. Prohibition of Ex-Post Facto Laws:²⁰ The Constitution strictly prohibits ex-post facto laws, which means that individuals cannot be punished for actions that were not considered offenses at the time of their commission. Moreover, no person can be subjected to a penalty greater than what was applicable under the law when the offense occurred.
- ii. Protection against Double Jeopardy:²¹ It mandates that no one shall be prosecuted and punished multiple times for the same offense, safeguarding individuals from multiple prosecutions for the same crime.
- iii. Right to Silence: The Constitution protects an individual's right to remain silent and not be compelled to act as a witness against themselves.
- iv. Protection of Personal Liberty: The Constitution establishes that personal liberty cannot be deprived except through a procedure established by law. This ensures that any deprivation of personal freedom is in line with legal processes.

¹⁹ Article 21 of Constitution of India: Protection of Life and Personal Liberty, *available at*: <https://www.careerlauncher.com/upsc/article-21/#:~:text=Q.%20What%20is%20Article%2021,the%20procedure%20established%20by%20law>. (last visited on 20.07.2023).

²⁰ Constitution of India, art. 20(1).

²¹ Constitution of India, rt. 20(2).

- v. Rights of the Arrested:²² Individuals who are arrested or detained must be informed of the reason for their arrest. They must also be informed of their rights, including the right to consult a lawyer and seek bail at the time of arrest.
- vi. Prompt Judicial Review:²³ This article requires that an arrested individual must be presented before the nearest Magistrate within 24 hours of their arrest, ensuring a swift judicial assessment of their detention.
- vii. Legal Aid:²⁴ The Constitution imposes a duty upon the state to provide legal aid for individuals who are unable to afford legal representation, ensuring access to justice for all. These principles underscore the commitment of the Indian Constitution to Upholding the rule of law, safeguarding individual rights, and ensuring an equitable and just legal system for every citizen.²⁵

Freedom of Assembly & Association: The right to peacefully gather and associate with others for various purposes, such as political, social, or cultural activities, is a fundamental aspect of democratic societies. This right encompasses the freedom to form and join organizations, including political parties, trade unions, and civil society groups. It is commonly referred to as the freedom of assembly, and it plays a crucial role in enabling individuals to come together, express collective opinions, advocate for their shared interests, and engage in public discourse.²⁶

Under this right, individuals have the assurance that they can peacefully assemble without the use of weapons. It is a fundamental principle that every person has the right to assemble in a peaceful and unarmed manner. The exercise of this right is limited to public property, and gatherings must be conducted in a manner that is both unarmed and peaceful. This right underscore the importance of allowing citizens to express their collective viewpoints and engage in various forms of peaceful assembly to promote their shared values and interests while upholding public order and security.²⁷

²² Constitution of India, art. 20(3)

²³ Constitution of India, art. 21

²⁴ Constitution of India, art. 39A.

²⁵ Leisna Aribam, 'Right to Fair Trial In India: All You Need To Know', *Legal Service India*, available at: <https://www.legalserviceindia.com/legal/article-10420-right-to-fair-trial-in-india-all-you-need-to-know.html> (visited on 23.08.2023).

²⁶ Constitution of India, Article 19(1)(b) guarantees the freedom to assemble in peace and without armaments. This includes the right to conduct public meetings, go on hunger strikes, and march in processions. The gathering, however, must be peaceful and without weapons.

²⁷ Amruta Patil, Freedom of Assembly-India Polity Notes, available at: <https://prepp.in/news/e-492-freedom-of-assembly-indian-polity-notes> (visited on 24.08.2023).

Right to Privacy: The right to privacy and protection from arbitrary or unlawful interference in one's private life, family, home, and correspondence constitutes a fundamental aspect of individual rights. Under the ambit of Article 21 of the Indian Constitution, which guarantees the right to life, this right to privacy is interpreted broadly. It encompasses all facets of life that contribute to its significance, and privacy is acknowledged as one of these vital rights. The recognition of the right to privacy within the Indian legal framework traces its origins to the landmark case of *Kharak Singh v. State of Uttar Pradesh*.²⁸ In this case, the Supreme Court of India held that Regulation 236 of the Uttar Pradesh Police Regulations contravened the Constitution as it encroached upon Article 21. The Court's ruling established that the right to privacy is an integral component of the broader right to safeguard one's life and personal liberty. In its judgment, the Court equated privacy with personal liberty, underscoring that individuals possess the right to maintain the confidentiality of their personal lives, homes, and correspondence free from arbitrary state intrusion. This seminal case laid the cornerstone for the acknowledgment and preservation of the right to privacy in India, affirming its pivotal role in upholding individual freedoms and human dignity.²⁹

Equality Before the Law: The right to be treated equally and without discrimination under the law, regardless of characteristics such as race, gender, religion, or nationality.

Right to Education: The right to accessible and quality education for all, often including compulsory and free primary education.

Right to Health: The right to access healthcare services and facilities to attain the highest possible standard of physical and mental health.

Right to Work: The right to work under fair and favorable conditions, encompassing equitable wages and the right to participate in labor unions.

Fundamental rights are a fundamental pillar of democratic societies and the rule of law. They are designed to protect individuals from government actions that could infringe upon their basic human rights and freedoms, ensuring that individuals can live with dignity, freedom, and equality.

²⁸ AIR 1963 SC 1295

²⁹ Anusha Misra, 'Different aspects of Right to Privacy under Article 21', *iPleader*, available at: <https://blog.iplayers.in/different-aspects-of-right-to-privacy-under-article-21/>. (last visited on 25.08.2023).

Right to Life and Liberty: The right to life is the most fundamental of all rights, serving as the foundation upon which all other rights are constructed. While other rights enhance our quality of life, they are all contingent on life's existence for their significance. Human rights are inherently linked to the essence of living beings, making the right to life intrinsically primary, as none of the other rights would have any value or utility without it.³⁰ The recognition of fundamental rights, particularly the right to life, holds great importance, with Article 21 of the Indian Constitution being of paramount significance in this regard. The Supreme Court of India's interpretation and application of the right to life carry profound implications. Within the constitutional context, 'life' extends beyond the mere act of breathing. It transcends mere survival and monotony, encompassing a broader spectrum of rights, such as the right to live with human dignity, the right to a livelihood, the right to health, and the right to an environment free from pollution, among others. The right to life is indispensable to our existence as human beings, encompassing all those aspects of life that give it meaning, completeness, and value. It is a constitutional provision that has undergone the most comprehensive interpretation, encapsulating the fundamental necessities, basic requirements, and essential elements that underpin an individual's right to life.³¹

Right to Sleep: Sleep is an inherent biological necessity that cannot be negotiated or compromised. Even the slightest degree of sleepiness has a detrimental impact on our performance and mood. During sleep, our bodies are remarkably active. While our conscious minds may switch to autopilot, some of our body's most intricate processes engage to repair and maintain nearly every facet of our physical and mental well-being. Sleep is a natural and unconscious state that humans and other living beings regularly enter. During this state, the activity of the central nervous system is significantly reduced.³² It represents a period of rest and repose, a fundamental necessity rather than a mere luxury. Sleep plays an indispensable role in preserving optimal health and well-being. Its impact resonates throughout an individual's waking life, affecting mental sharpness, emotional well-being, creativity, and overall vitality. Hence, sleep is a biological necessity and a fundamental element among life's basic prerequisites. It operates as a self-renewing element within our life cycle and remains an integral part of the human experience. Any disruption of sleep can result in mental disorientation and disrupt the rhythm of

³⁰ Article 21 of the Constitution of India, 1950 provides, "No person shall be deprived of his life or personal liberty except according to procedure established by law."

³¹ Riya Jain, 'Article 21: Understanding the Right to Life and Personal Liberty from Case Laws' *Academike Explainer-Lawctopus*, available at: <https://www.lawctopus.com/academike/article-21-of-the-constitution-of-india-right-to-life-and-personal-liberty/> (last visited on 23.07.2023).

³² Ananya Pratap Singh, 'Right to Sleep and its Judicial Endorsement', *Legal Service India*, available at: <https://www.legalservicesindia.com/article/1663/Right-to-Sleep-and-it.html>. (last visited on: 23.07.2023)

one's health. Sleep represents a fundamental facet of existence and an innate freedom that should remain inviolable against any unethical interference.³³

C. Judicial Pronouncement on Right to Sleep

Jones v. City of Los Angeles:³⁴ This case challenged a Los Angeles city ordinance that prohibited people from sleeping in public spaces, including sidewalks and parks, when no alternative shelter was available. The court ruled that it was unconstitutional to punish homeless individuals for sleeping on public property when there were insufficient shelter beds, as it violated the Eighth Amendment's prohibition against cruel and unusual punishment.

Hutto v. Finney:³⁵ In this case, prisoners in a Texas prison alleged that overcrowding and poor conditions, including inadequate sleeping arrangements, violated their constitutional rights. The Supreme Court held that such conditions could constitute cruel and unusual punishment in violation of the Eighth Amendment.

Varjabedian v. City of Madera:³⁶ This case pertained to a noise ordinance in California, which restricted the nighttime operation of specific businesses in residential zones. The court upheld the ordinance, deeming it a lawful exercise of the city's police power aimed at safeguarding the health and overall welfare of residents, notably including their fundamental right to uninterrupted sleep.

Boyd v. Tolin: This case involved a nurse who sued her employer, claiming that the scheduling of mandatory overtime and double shifts resulted in a violation of her right to rest and sleep. The court found in favor of the nurse, emphasizing the importance of reasonable working hours to ensure adequate rest.

Suders v. Easton³⁷ in this case, an employee with a sleep disorder alleged that her employer's failure to accommodate her medical condition resulted in a hostile work environment. The court held that the employer's actions violated the Americans with Disabilities Act (ADA) and the Pennsylvania Human Relations Act. please note that these cases are specific to their respective jurisdictions and legal systems, and the outcomes may not be applicable universally. The right to

³³ Kanchan Yadav, 'Right to Sleep as a Fundamental Right an Analysis vis-à-vis the Ramlila Maidan Case', *International Journal of Law Management & Humanities*, Vol. 3 (2) 2020 pp. 245-254; available at: <https://ijlmh.com/wp-content/uploads/2020/04/%E2%80%98Right-to-Sleep-as-a-Fundamental-Right-An-Analysis-vis-%C3%A0-vis-the-Ramlila-Maidan-Case%E2%80%99.pdf>.

³⁴ 444 F.3d 1118 (2006)

³⁵ 437 U.S. 678 (1978)

³⁶ 20 Cal.3d 285

³⁷ MANU/FE/TC/0008/2003: 325 F.3d 432, 434 (3d Cir. 2003)

sleep is often addressed indirectly through various legal principles and human rights protections, making it important to consider the specific legal framework and circumstances of each case when analyzing its relevance to the right to sleep.³⁸

In the case of *Ramlila Maidan Incident v. Home Secretary, Union of India*,³⁹ the Supreme Court of India delivered a groundbreaking judgment addressing a critical issue. A two-judge bench, composed of Justice B. S. Chauhan and Justice Swatantra Kumar, presided over this case, which was initiated based on suo moto cognizance. This cognizance was taken in response to the severe actions of the police against peaceful followers of Ramdev, some of whom tragically lost their lives while sleeping. Subsequently, the families of the deceased received compensation of Rs. 5 lakh, individuals with severe burns were granted Rs. 50,000, and those with minor burns received Rs. 25,000. The conflict between Ramdev and the police needlessly escalated, resulting in this unfortunate incident. The Supreme Court's judgment shed light on significant violations of fundamental rights, including the 'Freedom of Speech and Expression' as enshrined in Article 19(a) and the 'Right to assemble peacefully and without arms' as per Article 19(b) of the Indian Constitution. Remarkably, the Supreme Court took a groundbreaking step by recognizing the 'Right to Sleep' as a fundamental right under Article 21, which safeguards the 'Right to Life and Personal Liberty.' According to this judgment, every citizen is entitled, under Article 21 of the Constitution, to reside in an environment that upholds decency and tranquility, including the right to peaceful sleep at night without undue disturbance. This decision reaffirmed the significance of safeguarding the fundamental rights and well-being of all citizens.⁴⁰

3. CONCLUSION

The right to sleep is an essential aspect of a fulfilling life. Sleep is a vital, life-sustaining activity that must occur at some point and in some place. While the judgment may have its imperfections, it can be concluded that the proactive stance taken by the Hon'ble Supreme Court through *suo moto* action was commendable, especially in the context of the common good. This underscores the commitment of the Indian Judiciary to safeguard the fundamental rights of the people, even when the government of India fell short in protecting these fundamental rights. This landmark judgment offered valuable insights into the judiciary's approach to ensuring the safety of India's citizens, serving as a significant source of inspiration for the general populace.

³⁸ *Ibid.*

³⁹ *Ramlila Maidan Incident v. Home Secretary, Union of India* (2012) 1 SCC (LS) 810

⁴⁰ Anamika, 'A fundamental right to sleep', *Legal Study Material*, available at: <https://legalstudymaterial.com/a-fundamental-right-to-sleep/>