

Topic: Quality Of Life Under Article 21

Name of the Case: Francis Coralie v. Administrator, Union Territory of Delhi, AIR 1981 SC 746

Bench: Justice PN Bhagwati and Justice Syed Murtuza Fazalali

Issue: Whether the right to life is limited only to protection of limb or faculty or does it go further and embrace something more?

Fact of the case: The detenu was denied his right of detenu under Conservation of Forest Exchange and Prevention of the Smuggling Activities Act, 1974, to have interview with lawyers and the members of his family.

Ratio: The Supreme Court held that the 'right to life' includes 'right to live with human dignity' and all that goes along with it, viz, the bare necessities of life such as education, nutrition, clothing and shelter over the head and facilities for reading, writing and expressing oneself in diverse form, freely moving about and missing and mingling with fellow human beings.

Of course, the magnitude and content of components of this right would depend upon the extent of economic development of the country, but it must, in any view of the matter, include the right to the basic necessities of life and also the right to carry on such functions and activities as constitute the bare minimum expression of the human self. Therefore, any form of torture or cruel, inhuman or degrading treatment would be offensive to human dignity and constitute an inroad into this right to life and it would, on this view, be provided by Article 21 unless it is in accordance with the procedure established by law, but new law which authorizes and no procedure which leads to such torture or cruelty, inhumane or degrading treatment can even stand the test of reasonableness and non-arbitrariness. It would plainly be unconstitutional and void as being violative of Article 21 and Article 14.