

# Case Reference Report

## User Query

Rights of accused under Article 21

## Top Matched References

1. establishing a

procedure in accordance with the law, the State could infringe on an individual's right to life. However, the scope of Article 21 of the Constitution was expanded after the ruling of the Supreme Court of India in *Maneka Gandhi vs. Union of India*, 1978 (as cited in Kumar, 2017). It stated that "the procedure established by the law for depriving a person of life must be right, just, fair and reasonable" (p. 99). With a wider interpretation, the right to life included the right to live with human dignity, the right to livelihood, the right to health, the right to privacy and also the right to speedy trial and freedom from police atrocities. The delay in execution of capital punishment too would be a violation of Article 21 of the Constitution as an extended delay before t

[source: rag\_model\_data.pdf]

2. xecution of capital punishment too would be a violation of Article 21 of the Constitution as an extended

delay before the sentence is unfair and the uncertainty of life results in a severe traumatic condition for an individual. Article 21 of the Constitution, thus, is the only article that has received the widest possible interpretation because the right to life is fundamental to our very existence and includes all aspects of life which makes life meaningful and complete.

Here, it is important to understand why, or rather how, the punishment of death and the procedure leading up to it are violent. Capital punishment is an exceptional form of punishment

as it is an expression of absolute repudiation of what constitutes humanity. It denies an individual the possibility of rehabilit

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3. n expression of absolute repudiation of what constitutes humanity. It denies an individual the possibility of rehabilitation and reform. Further, the irrevocable nature of the punishment posits a challenge to erroneous human nature. Moreover, it takes place away from

the public's view and therefore only an abstract imagination of the execution is present in our mind which distances us from the actuality of it. The constant uncertainty with which death row prisoners live is also a violation of their right to life. The rampant use of torture at every stage and the inhuman treatment strips the perpetrators of his/her dignity as they are subjected

to immense humiliation. Article 21 of the Indian Constitution along with other rights are violated in practice though they exist in principl

[source: rag\_model\_data.pdf]

4. were referred to by their full name. The names of all six accused (except for the juvenile)  
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appeared repeatedly throughout the case which might have also added in constructing the public image much earlier and before the case had concluded. It is important to mention this as

the politics surrounding the names goes much deeper, ?placing? the individuals on a vertical ladder of the social hierarchy that governs Indian society. The law thus provides for the protection of the identity of the victim, but not that of the perpetrator, which risks the possibility of bias or prejudice.

The Court had also conveniently disregarded the fact that one of the accused in the case, while being in the custody of the police in  
[source: rag\_model\_data.pdf]

5. ature, can never justify, within the framework of Article 6, the imposition of the death penalty? (p. 13).

The Constitution of India 1949 through Article 21 guarantees the right to life and personal liberty. The right to life and personal liberty form the bedrock for all the other rights that the individual enjoys as all the other rights add quality to the ?life? in question and depend on the pre-existence of life itself for their operation. This right is to be enjoyed by both the citizens as well as the non-citizens of India since the Article uses ?person? instead of ?citizen?. According

to the straightforward understanding of Article 21 of the Constitution, by establishing a procedure in accordance with the law, the State could infringe on an individual?s right to life. However  
[source: rag\_model\_data.pdf]

6. hts that the Declaration pledges as the right to life is at the centre of and a foundation upon which all other rights are based. Further, Article 6 of the International Covenant on Civil and Political Rights, 1976 (ICCPR) states that ?every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life? (ICCPR, 1976). A further explanation from the General Comment No. 36 on Article 6 of the ICCPR elaborates that this article cannot be understood in a narrow sense. It states that this right is guaranteed to all the individuals including those who are convicted for most serious offence (UNHRC General Comment No. 36, 2018, p. 1). It further puts the onus on the State to ensure, protect, and respect the right to life  
[source: rag\_model\_data.pdf]

## AI Guidance

Article 21 of the Indian Constitution guarantees the right to life and personal liberty. However, this right is not absolute. The state can infringe upon it through a "procedure established by law," but *\*Maneka Gandhi v. Union of India\** (1978) [source: rag\_model\_data.pdf] significantly broadened the interpretation. The procedure must be fair, just, and reasonable. This includes rights like the right to live with dignity, livelihood, health, privacy, and a speedy trial, as well as freedom from police atrocities. Unreasonable delays in capital punishment cases also violate Article 21 [source: rag\_model\_data.pdf].

**\*\*1) Simple Explanation:\*\*** Article 21 basically says everyone has a right to life and freedom, but the government can limit this right only if it follows a fair and reasonable process. This includes protecting you from things like torture and ensuring a quick trial.

**\*\*2) Specific IPC sections / Acts / Cases:\*\***

**\* \*\*Maneka Gandhi v. Union of India (1978):\*\*** This Supreme Court case greatly expanded the meaning of Article 21. [source: rag\_model\_data.pdf] No specific IPC sections are mentioned in the provided text.

**\*\*3) Pros & Cons of Filing a Case:\*\***

This question cannot be answered without knowing the specific situation of the accused. To assess the pros and cons, we would need details about the alleged violation of Article 21. For example:

**\* \*\*Pros:\*\*** Potential to secure release from unlawful detention, compensation for violations, and/or prevent unjust punishment.

**\* \*\*Cons:\*\*** Lengthy legal process, high costs, uncertain outcome, potential for further harassment.

**\*\*4) Practical Next Steps:\*\***

I cannot provide specific legal advice without knowing the circumstances. To advise on next steps, I need information such as:

**\* \*\*Nature of the alleged violation:\*\*** Is it police brutality, an unduly lengthy trial, denial of medical care, etc.?

**\* \*\*Details of the accused:\*\*** Name, location, current legal status.

**\* \*\*Evidence:\*\*** Any supporting documents (police reports, medical records, witness statements).

With this information, I could advise on:

\* \*\*Relevant documents to gather:\*\* Police FIR, medical certificates, witness statements, legal notices received, etc.

\* \*\*Forum/jurisdiction:\*\* This depends on the nature of the case and where the alleged violation occurred. It could be a High Court or even the Supreme Court.

\* \*\*Timelines:\*\* Legal timelines vary greatly depending on the court and type of case.

**\*\*5) Points to Know:\*\***

\* Article 21's scope is very wide, encompassing various aspects of a person's life.

\* The burden of proving the fairness and reasonableness of a procedure rests on the state.

\* Seeking legal counsel from a qualified lawyer is crucial in navigating the complexities of Article 21 related cases.

### **Procedure & Indicative Costs**

Typical Initial Procedure:

- 1) Collect documents & evidence.
- 2) Draft complaint/pleading with counsel.
- 3) Identify forum/jurisdiction and file.
- 4) Court scrutiny & issuance of notice.
- 5) Respondent reply, rejoinder, framing of issues.
- 6) Evidence, arguments, judgment.

Indicative Early Costs (very rough):

- Drafting + Filing + First appearance: ₹3,000-₹15,000 (varies by city & counsel).
- Court fees/stamp duty: as per claim/value and local rules.

### **For consultation:**

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