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Right to Dignity: A Special Concern of Humanity

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ABSTRACT

The right to dignity stands as a cornerstone of human rights, embodying the inherent worth of every individual. This article explores the concept of dignity, tracing its philosophical and ethical foundations as a universal value central to human identity. The discourse examines key international documents, including the Universal Declaration of Human Rights and Humanitarian law texts which affirms the right to dignity as a fundamental human entitlement. Special emphasis is given to the Indian perspective, where dignity is enshrined in the Constitution and upheld through judicial interpretations. The author further discusses the current issues faced by the Judiciary in upholding the dignity.

Keywords: Human Dignity, UDHR, ICCPR, ICESCR, Humanitarian Law.

I. INTRODUCTION

The concept that every individual possesses the right to live a life that is characterised by dignity is one that has evolved over the course of history and is deeply ingrained in a variety of different ethical, intellectual, and legal frameworks. The specific beginnings of this phenomenon may be traced back to a variety of distinct cultures and historical periods over the course of human history. On the other hand, there are a few key landmarks and influences that had a considerable impact on its evolution.²

Throughout the course of several centuries, several movements in philosophy, religion, legal systems, and social conventions have led to the foundation of the concept that human dignity is an inherent right. This thought has been a significant factor in the development of the concept. In addition to its function as a framework for international law, politics, and ethics, it continues to be a vital component of the continuous discussions that are taking place in the modern day about human rights.

Originating from the Philosophy of Thought: Pioneers in the field of philosophy: It is possible to trace the origins of the notion of human dignity all the way back to the formation of ancient societies. The origins of the notions of human dignity and the pursuit of a life defined by honour

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² Gan Shaoping and Zhang Lin, "Human Dignity as a Right" 4 *Frontiers of Philosophy in China* 370-384 (2009).

may be traced back to the beginnings of philosophy. There are a number of philosophers, such as Aristotle, Kant, and Rousseau, who are of the opinion that humans possess an inherent worth and value that is associated with them. To be more specific, they draw attention to the need of treating individuals with respect and making sure that they are keeping themselves well.

When it comes to the idea of human dignity, the Judeo-Christian faiths have been an extremely important source of inspiration over the course of history. Being made in the image and likeness of God, the teachings of the Bible declare that human beings naturally possess a certain level of dignity. This is because of the fact that they were created in God's image and likeness.³

Magna Carta is the name given to this historical document due to the fact that it was signed in the year 1215. The notion of personal freedom and fair treatment was outlined in this proclamation, which ultimately paved the path for the formation of human rights laws in the years to come. Despite the fact that the term "dignity" was not included in this declaration, it did lay out these principles.

The Enlightenment Era, which spanned the 17th and 18th centuries, was the time period in which a philosophical movement evolved. This movement emphasised the necessity of individual liberty, independence, and respect.

The notion of dignity did not become prominently incorporated in legal discourse until the early 1900s, despite the fact that it is of great importance in the realm of intellectual thought since the beginning of the century. The constitutional law and international law were two areas in which this was notably noticeable. Documentation of the concept of dignity, which refers to the inherent worth and value of every human being, can be found in legal literature from the early 1900s. This documentation may be traced back to the beginning of the century. In addition to the constitution of Mexico from 1917, the constitutions of Weimar Germany and Finland from 1919, the constitution of Portugal from 1933, the constitution of Ireland from 1937, and the constitution of Cuba from 1940 all embraced the concept of dignity. Without a question, each of these very different ideological frameworks—the Enlightenment, republicanism, socialism/social democracy, and Catholic teachings on human dignity—contributed to these developments in their own particular way. On the other hand, their impact was far more significant in one country compared to another. This phenomenon is illustrated by the fact that the socialist impact was clearly obvious in Finland, which serves as an example of this phenomenon. An allusion to dignity was incorporated into the Basic Law of Spain in 1945, just as it had been in the Basic Laws of Portugal and Spain before to that specific year. In a manner

³ N.W.Denig, "'On Values' Revisited: A Judeo-Christian Theology of Man and Nature." 4 *Landscape Journal* 96-105 (1985).

that is analogous, the church of the Catholic faith had a significant influence on the environment of Ireland. In the course of Latin American history, two ideologies that had a significant effect were social democracy/socialism and Catholicism. Both of these ideologies were influential. As the conclusion of World War II approached, the application of dignity inside the framework of the constitution was gradually broadening, despite the fact that it had been on the perimeter of the constitution up until that point. The incorporation of the concept of dignity into three significant national constitutions that were drafted between the years 1945 and 1950 is not something that should come as a surprise to anybody. It was the constitutions of nations that had been vanquished during World War II that were under issue. These constitutions were accountable for a substantial share of the violations of human rights that the movement aimed to eradicate. The nations of Germany, Italy, and Japan are the ones that are being discussed in this context. West Germany's constitution was ratified in 1949, Italy's in 1948, and Japan's in 1946. All three countries' constitutions included the notion of dignity. These writings were all written in the same year.

It is essential to emphasise that the endeavour to include the concept of human dignity into new constitutions was not limited to governments in Europe and Latin America alone. This is a crucial point to keep in mind. In 1948, the Israeli declaration of independence said that despite the challenges, limitations, and threats, survivors of the Nazi slaughter in Europe, together with Jews from other regions, continued to move to Eretz-Israel⁴. This was even though they faced problems, restraints, and risks. It was despite the fact that they were confronted with challenges, constraints, and dangers. They did not waver in their resolve to establish their right to a life in their ancestral country that was defined by honour, liberty, and hard labour. They continued to remain steady in their purpose. Similarly, the Indian Constitution of 1950 was effective in achieving the same objective in a way that is comparable to this. In his analysis of the movement that took place in 1950, Carl Friedrich argued that the major objective of post-war constitutionalism was to lay a focus on the relevance of human dignity. He mentioned this in his appraisal of the movement.⁵ In addition, we shall find out that the incorporation of dignity into the constitution of West Germany had the most significant impact of all the national constitutions that made reference to dignity on the national level. This information will be disclosed in the next section. It was the primary Catholic, social democratic, and Kantian features of the constitution that provided as a source of inspiration for the Basic Law that was

⁴ The Declaration of Israel's Independence, 1948

⁵ Vijayashri Sripathi, "Toward Fifty Years of Constitutionalism and Fundamental Rights in India: Looking Back to See Ahead (1950-2000)" 14(2) *American University International Law Review* (1998).

passed in 1949. This law lays the utmost emphasis on treating individuals with dignity. One of the most crucial problems that arose throughout the process of crafting the provision was whether or not natural law ought to serve as the foundation for human dignity. The text, on the other hand, does not explicitly address "a particular philosophical or ethical concept of human dignity and is open to various interpretations," provided that "the inviolability of human dignity" is honoured to the fullest extent possible. In order to maintain and safeguard it, it is the obligation of each and every government agency to do so.

II. HUMAN DIGNITY AND INTERNATIONAL DOCUMENTS

It is abundantly obvious that the significance of human dignity is demonstrated by a number of international treaties and commitments. In most cases, these accords are the source of the concepts and legal frameworks that are commonly acknowledged in relation to human rights. Numerous notable international treaties, some of which are listed below, make reference to or emphasise the concept of human dignity.

The Universal Declaration of Human Rights (UDHR) is a declaration that explains the fundamental rights and freedoms to which all persons are entitled, regardless of their nationality, ethnicity, gender, or any other attribute. This statement was presented before the United Nations General Assembly in 1948. It is a basic text that openly affirms the intrinsic worth and value of every human, UDHR is one such text. 1948 was the year that the General Assembly of the United Nations gave its formal approval to it. An inherent claim to liberty and equality before the law is guaranteed to each and every individual by Article 1.⁶

An international treaty that is legally enforceable is the International Covenant on Civil and Political Rights (ICCPR), which was enacted in 1966, is a key worldwide agreement that recognises the inherent value of every human. Additionally, the constitution places a focus on the necessity of protecting civil and political rights, and it does so by expressly acknowledging the essential principle of human dignity in its introduction.

There is still another agreement that tackles the preservation and promotion of economic, social, and cultural rights. This agreement is known as the International Covenant on Economic, Social, and Cultural Rights (ICESCR). It was also approved in the year 1966. A recognition of the intrinsic value that each person possesses is included in the preamble of the document.

The Council of Europe formed the European Convention on Human Rights (ECHR) in 1950 with the intention of protecting human rights within a European framework. This was done with the intention of ensuring respect for human rights. It is guaranteed by the preamble of the

⁶ Universal Declaration of Human Rights (1948), ART 1

document that the "intrinsic worth" of every single person would never be disregarded.

A key international agreement that establishes the rights of children is known as the Convention on the Rights of the Child (CRC). The Convention on the Rights of the Child, which was approved in 1989, lays primary emphasis on the rights of children. At the same time as the introduction to the text emphasises the need of safeguarding the child's dignity, it also stresses the significance of encouraging the child's holistic and well-rounded growth.

The Universal Declaration on Bioethics and Human Rights⁷ is a declaration that offers ideas and rules for ethical concerns in the realm of ecology and human rights. It was created by the United Nations General Assembly. In the year 2005, the United Nations Educational, Scientific, and Cultural Organisation (UNESCO) issued this declaration, which placed a particular emphasis on bioethics. Human rights and dignity are accorded a substantial amount of importance within the fields of biomedicine and the living sciences.

Integrated within the legal framework of the European Union is the Charter of core Rights of the European Union, which was founded in the year 2000⁸. This charter incorporates core notions of human rights. The concept of human dignity is specifically mentioned in a number of clauses within the constitution, including the preamble.

These documents, taken as a whole, are evidence of the worldwide commitment to protecting and preserving the inherent value of every single person. In doing so, they lay the groundwork for national laws, policies, and processes that are designed to promote and protect human dignity within a variety of legal and cultural frameworks.

III. HUMAN DIGNITY IN INTERNATIONAL HUMANITARIAN LAW TEXTS

Because to the formation of international humanitarian law in the aftermath of World War II, the idea of dignity was considerably broadened, particularly with the adoption of the Geneva Conventions. This was a tremendous step forward in the fight for human rights. On the other hand, throughout the 19th century, there were a few instances in which national legislation addressed the treatment of prisoners that included intermittent allusions to the concept of dignity. Regarding the treatment of civilian people, there were also allusions to dignity in a treaty draft that was created before to World War II.⁹ This treaty was about how civilian populations were to be treated. Starting from the very outset, it was plainly evident that the

⁷ UNESCO, "Universal Declaration on Bioethics and Human Rights." (2005) available at : <https://www.unesco.org/en/ethics-science-technology/bioethics-and-human-rights> (last visited on March 1, 2024)

⁸ European Union is the Charter of Core Rights of the European Union (2000/C 364/01)

⁹Christopher McCrudden, "Human Dignity and Judicial Interpretation of Human Rights" 19 *European Journal of International Law* 655–724 (2008).

major purpose of the strategy was to defend the dignity of individuals.

The International Committee of the Red Cross (ICRC) provided the Geneva Powers with a version of the Conventions that had the same preamble language for all four of the Conventions.¹⁰ For the purpose of highlighting the fact that the universal idea of defending the personality and dignity of human beings is legally enforceable even in the absence of any economic transaction, this word is utilised. That which is not actively engaged in fighting or that which is incapacitated as a result of illness, injury, incarceration, or any other reason needs to be treated with respect and protected from the devastating repercussions of war, according to this notion. This protects them from the effects of war. Individuals who are going through difficult times should be provided with assistance and support, regardless of their ethnicity, nationality, religion, politics, or any other distinguishing attribute. The text that was supplied by the user should not be confused and should be correct. One of the activities that is prohibited by Article 3 of the Conventions that have been ratified is "acts that violate personal dignity, especially actions that cause humiliation and degradation." This is only one of the many undesirable behaviours that are prohibited. In this particular section of the new language, the word "dignity" is positioned in the most prominent position possible. Acts of this sort are strictly forbidden to be carried out by people who are included in the Convention, regardless of the time or location in which they are carried out.

The Conventions on the Protection of Victims of International Armed Conflicts have an extra protocol that is referred to as extra Protocol I. Any behaviour that violates an individual's sense of personal dignity is clearly prohibited under this protocol's Article 75. Any sort of indecent assault, any form of treatment that is humiliating and degrading, and any form of forced prostitution are all included in this category of activities. According to Article 85 of the Conventions, acts of apartheid and other cruel and humiliating practices that involve abuses of human dignity based on racial discrimination are considered to be grave violations.¹¹ These practices include the use of racial discrimination.

Furthermore, there are a variety of other activities that might be classified under this category. In addition, intentional activities that are in violation of the Conventions or the Protocol are also considered to be breaches of the agreement. This was made very plain in Article 4 of the Second Additional Protocol, which stated that certain activities, such as rape, forced prostitution,

¹⁰ International Committee of the Red Cross, *The Geneva Conventions of 1949 and their Additional Protocols - ICRC*. (2010) available at: <https://www.icrc.org/en/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm> (last visited on March 1, 2024)

¹¹ International Convention on the Suppression and Punishment of the Crime of Apartheid (General Assembly Resolution 3068 (XXVIII)), Art 85

humiliating and degrading treatment, and any kind of indecent assault, were clearly prohibited. As an additional point of interest, such references to "violations of personal dignity" were incorporated into the laws of ad hoc international criminal tribunals as well as the Rome Statute, which ultimately led to the founding of the International Criminal Court.

IV. DIGNITY AND INTERNATIONAL HUMAN RIGHTS TEXTS AFTER THE 1940S

Since its enormous expansion in the 1940s, the United Nations has been responsible for the implementation of new instruments in the spheres of humanitarian law and international human rights. These instruments have become increasingly important in recent decades. The notion of dignity has gained widespread acceptance as a result of the contributions made by these tools. At this point in time, the idea of dignity has evolved into a key component that is integrated into human rights declarations all over the world, regardless of whether they are broad or specific.

Preamble to the Slavery Convention of 1956 draws reference to the United Nations Charter's reiteration of the Member's 'belief in the dignity and value of the human person.'¹² This is not something that should come as a surprise. One reason for this is that the idea of dignity has a significant amount of weight in the political discourse of abolitionists. Furthermore, there is no discernable pattern associated with the references to "dignity" that are contained in the preambles of a number of Conventions that are ratified by the International Labour Organisation (ILO). In light of the fact that the "dignity of labour" had a significant role in the evolution of the labour union movement, this is something that is to be anticipated. In the 1960s, three important international human rights treaties were approved, which brought to light the everlasting relevance of the notion of dignity in human rights law. These accords were ratified in the United States, Brazil, and Russia. Within the framework of the International Covenants on Civil and Political Rights, Economic, Social, and Cultural Rights, and the Elimination of Racial Discrimination, the concept of dignity language was introduced into the introductory statements and the content of a number of different articles. This action was taken in order to guarantee that the idea was given the appropriate amount of attention.

The treatment of those who have been robbed of their freedom through the use of jail or incarceration was another issue that was discussed at the meeting. The succeeding introduction statements of significant international human rights accords have consistently followed this pattern, which is consistent with the tradition of honouring dignity that has established itself.

¹² Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (Conference of Plenipotentiaries Convened by Economic and Social Council Resolution 608(XXI))

The International Conventions against Torture¹³ and the Convention on the Elimination of All Forms of Discrimination Against Women¹⁴ are two examples of texts that contain references to such allusions. Both of these conventions were signed in 1984 and 1979, respectively.

In the year 1986, the General Assembly of the United Nations placed a significant emphasis on the significance of dignity within the framework of their perspective on human rights. Specifically, they asserted that any new human rights instruments need to be fundamental in nature and predicated on the inherent dignity and value of each and every human person. They were of the opinion that this was the most significant aspect.

Following that time period, all significant conferences on human rights, such as the Rights of Migrant Workers¹⁵, the Rights of Disabled Persons¹⁶, Protection against Forced Disappearance¹⁷, and the Rights of Children¹⁸, have incorporated provisions regarding dignity. This affirms the essential nature of dignity to human rights as a whole and frequently to the particular rights that are addressed in each respective conference

V. RIGHT TO LIVE WITH HUMAN DIGNITY IN INDIA

A comprehensive interpretation of Article 21, which falls within the category of fundamental rights, was provided by Bhagwati J. in the case of *Bandhua Mukti Morcha v. Union of India*¹⁹. "She stated that it is the inherent entitlement of every individual in this nation... to reside in a state of human integrity devoid of any form of exploitation," according to her statement. The right to live with human dignity is protected by the Directive Principles of State Policy, namely clauses (e) and (f) of Article 39, as well as Articles 41 and 42. Article 21 ensures the right to live with human dignity. In the very least, this entitlement ought to contain measures that protect the health and safety of workers, regardless of their gender, as well as safeguards that prevent children who are in their formative years from being abused. Additionally, it should include provisions for educational possibilities, job circumstances that are fair and respectable, and help for women who are expecting children. These requirements should be included in the document. Any state, federal, or municipal government does not have the authority to take any action that would restrict an individual's access to these essential components for a decent existence. This

¹³ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly Resolution 39/46), 1984

¹⁴ Convention on the Elimination of All Forms of Discrimination Against Women New York, 1979

¹⁵ International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (General Assembly Resolution 45/158), 1990

¹⁶ Declaration on the Rights of Disabled Persons (General Assembly Resolution 3447 (XXX)), 1975

¹⁷ International Convention for the Protection of All Persons from Enforced Disappearance (General Assembly of the United Nations in its Resolution 47/133), 2010

¹⁸ Convention on the Rights of the Child (General Assembly Resolution 44/25), 1989

¹⁹ 1984 AIR 802

is because such a restriction would be considered a violation of their constitutional rights. There is the possibility that the concept of human dignity might be successfully incorporated into both the morality and the legal system. As a consequence of this, the connection that exists between the idea of legal governance and the inherent worth of individuals is a crucial factor that contributes to the distinctive ambiguity that is present in discussions about theoretical, normative, and disciplinary subjects. The concept of the "rule of law" may be broken down into its most fundamental form, which pertains to the ideas of equality, fairness, and moral consciousness.

The Indian Constitution is the only constitution in the world that tackles every aspect of the people in its completeness, in comparison to other constitutions that are found all over the world. The fact that the phrase "human dignity" is included in the preamble of the Indian Constitution is proof that the individuals who were responsible for drafting it were aware of the need of treating individuals with respect.²⁰ The Constitution protects a variety of rights, including those that are constitutionally protected. Some of the fundamental rights that are included in these rights include the following: the right to be free from exploitation; the freedom to practise one's religion without interference; the right to get a public education that is adequate; and the right to register complaints against breaches of the Constitution. due to the fact that it is essential, fundamental, inherent, and fundamentally appropriate, something that deserves examination.

By creating universal entitlement, the Constitution assures that every single individual is entitled to the fundamental rights. It does this without imposing any exceptions or exclusions. Maintaining the integrity of fundamental rights is essential in order to protect the dignity of the human race. The recent court verdict in the case of Naz Foundation vs. NCT government and others²¹ said that the constitutional protection of human dignity requires us to accept and acknowledge the worth and importance of every individual in society. This was stated in the context of the case. In the course of the matter that was presented before the court, this was noted on many occasions. For the same reason that the field of criminal justice is an integral part of this system, social justice, which serves as the foundation of India's constitution, is also an integral part of this system. The preamble of India's constitution, which asserts that all people living inside the nation are in agreement with one another, serves to confirm that there is a common understanding and agreement among all of the people living within the nation. In light of this, all individuals, even law managers and those who provide assistance to them, are placed

²⁰legalserviceindia.com." *Article 21 Of The Constitution*" available at: <https://www.legalserviceindia.com/legal/article-5789-article-21-of-the-constitution.html>. (last visited on April 21, 2023)

²¹ 2009 (6) SCC 712

on an equal footing as a result of this. In addition, the Constitution of India guarantees that all individuals, irrespective of their social position or religious views, would be treated in a way that is fair and equitable in accordance with the law. Article 21 of the Indian Constitution is of the utmost relevance and holds the highest degree of significance for the reason that it is considered to be the most crucial part in the constitution. This article is frequently employed by individuals due to the fact that it has the capacity to compel cooperation from the government. One cannot overestimate the significance of life and the unique qualities it possesses. The safeguarding of human dignity must be preserved at all costs. This is an absolute necessity.²²

It has been established that a comprehensive ethical framework has been developed, and this framework has garnered universal respect. One thing that should be taken into consideration is that the concept of the right to exist incorporates a vast variety of other rights. The Supreme Court has been provided with access to this material, which has been gathered together for their convenience. Because of this, the Supreme Court's interpretation of Article 21 has been a significant contributor to the development of human rights legislation. The fact that this conduct serves a vital role in ensuring that human dignity is protected and safeguarded is without any reasonable doubt. In addition to being meticulous and systematic, the technique utilised by the Supreme Court was one of the most significant reasons that led to the favourable conclusion that was reached about this result. Following the rulings that were handed down by the Supreme Court in the cases of *Olga Tellis v. Bombay Municipal Corporation and others*²³ and *Francis Coralie Mullin v. The Administrator, Union Territory of Delhi*²⁴, it was determined that the right to life included the right to live with dignity. Currently, there is no definition of human dignity that can be deemed conclusive and accurate. This is the case. The concept of human dignity makes it possible to protect the civil, political, religious, and social rights of individuals. This was not feasible without the concept of human dignity. Human dignity is a condition that is organically tied to human existence, regardless of socioeconomic class, religious affiliation, gender, race, or social position. The family, the community, the caste, and society are all intertwined with one another. Human dignity refers to a state that is characterised by prestige, reverence, and parity. This culture takes great pride in its norms and ideals, and it acknowledges the importance of tradition in order to ensure that respect, prestige, and dignity are passed down from one generation to the next. Regardless of our gender, we are all members of the human

²² G.B.Reddy, "FIFTY YEARS of INDIAN CONSTITUTION – AGENDA for 21ST CENTURY JOURNAL ARTICLE FIFTY YEARS of INDIAN CONSTITUTION – AGENDA for 21ST CENTURY" 43 *Journal of the Indian Law Institute* 252-266 (2001).

²³ 1986 AIR 180

²⁴ 1981 AIR 746

species and have the right to be treated with respect. This right extends to all we do. This is a fundamental right that all people have. In line with the human rights framework that it has established, the United Nations recognises and safeguards the inherent value and respect that is connected with each and every individual.²⁵

VI. SAFEGUARDING HUMANITY: CONSTITUTIONAL DIMENSIONS OF THE RIGHT TO LIFE IN INDIA

In India, the right to life is protected by a fundamental clause inside the country's constitution. Within the Constitution, namely Article 21, this point is made quite apparent. Clause 21, which is usually seen as being lengthy and particularly significant, ensures that individuals have the right to enjoy a life that is characterised by freedom and dignity. In the interest of your convenience, the following is a comprehensive summary of the provision of the Indian constitution that protects the right to life:

According to the requirements of Article 21 of the Constitution of India, no person may be deprived of their life or their personal freedom without first carrying out a procedure that is acknowledged by the law. This is the case even if the individual is a person who has the right to life.²⁶

Article 21 ensures that individuals have the fundamental right to life, which is sometimes referred to as the "right to life." When we talk about it in a more broad sense, we are referring to the entitlement to live a life that is characterised by dignity, as opposed to the entitlement to just exist.

Not only does Article 21 guarantee the right to exist, but it also defends the right to personal freedom. Protection of personal autonomy is the means by which this objective is attained. There is a full and utter ban on arrests, incarceration, and detentions that are carried out without any justification. Process that has been given the go-ahead by the authorities: The only time that it is permissible to take a person's life or restrict their freedom is when it is done out in accordance with a "procedure established by law." This is the only time that it is ethical to do so. Nothing further is permitted at this time. The fact that this is the case makes it quite evident that a judicial procedure that is both impartial and fair is an imperative requirement.

²⁵ Muffliha Sadaf (n.d.). RIGHT TO LIVE WITH DIGNITY UNDER ARTICLE 21 OF THE CONSTITUTION OF INDIA - A DETAILED STUDY . *Indian Journal of Law and Legal Research*, Volume IV(Issue I | ISSN: 2582-8878).

²⁶ Gandhi, N. (n.d.). *EXPANDING AND EVOLVING THE AMBIT OF ARTICLE 21 OF THE CONSTITUTION OF INDIA WITH THE DEVELOPING SCENARIO*. [online] *Indian Journal of Integrated Research in Law Indian Journal of Integrated Research in Law*. Available at: <https://ijirl.com/wp-content/uploads/2022/07/EXPANDING-AND-EVOLVING-THE-AMBIT-OF-ARTICLE-21-OF-THE-CONSTITUTION-OF-INDIA-WITH-THE-DEVELOPING-SCENARIO.pdf>.

The term "judicial interpretations" is used to indicate the manner in which the courts have studied and comprehended the law. The Supreme Court of India is responsible for the establishment and expansion of the concept of the right to exist, which was initially conceived of by the court. Among the significant decisions that have been given down by the court are the following: the decision that was handed down by the court in the case of *Maneka Gandhi v. Union of India*²⁷ acknowledged that the right to life includes not only the right to exist but also the right to live with dignity. The concept of "procedure established by law" was devised with the intention of bringing attention to the reason and justice of the legal system.

In the seminal case of *Kharak Singh v. State of Uttar Pradesh*,²⁸ the Supreme Court of India held that the right to unrestricted movement and residence is a fundamental component of individual liberty. This decision was a watershed in the history of India. In light of this, it is possible that the expansive interpretation of Article 21 is founded on this specific fact.

As a result of the decision that was handed down in the case of *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*,²⁹ it was established that every single person possesses an inherent right to life, regardless of the circumstances in which they find themselves, and that this right ought to be accompanied by reverence and dignity. The right to exist, which is guaranteed by the Constitution, includes the recognition of the right to get medical treatment as an essential component.

The Supreme Court of India extended the scope of the right to life to include the right to a living environment that is free from pollution as a consequence of the decision that was handed down in the case of *M.C. Mehta v. Union of India*³⁰. This ruling encompassed the right to a living environment that is free from pollution. As a result of the catastrophe, it became abundantly evident that safeguarding the environment is absolutely necessary in order to guarantee the health and happiness of people.

In the course of the proceedings that took place in 2011 regarding the case of *Aruna Shanbaug*³¹, the court debated on the right to a death that is characterised by dignity. On the other hand, despite the fact that it accepted the necessity of taking into account the dignity of the individual while making decisions on end-of-life care, it did not legalise euthanasia itself.

²⁷ 1978 AIR 597

²⁸ 1963 AIR 1295

²⁹ 1981 AIR 746

³⁰ 1987 AIR 1086

³¹ *Aruna Ramchandra Shanbaug v. Union of India*, 2011 (4) SCC 454

VII. CURRENT CHALLENGES

Abortion, reproductive health, and contraception have all been seen by the legal system as components of the right to life, which includes the ability to independently decide on one's own method of reproduction. Sexual and reproductive autonomy include the freedom to choose one's own method of reproduction. This liberty involves the right to select one's own technique of reproduction for reproductive purposes.

The judicial system has acknowledged the essential nature of the right to a healthy environment as a prerequisite for the right to life. As a consequence of this recognition, the judicial system has enforced strict measures to address environmental concerns, namely environmental conservation.³²

A number of recent legal rulings, such as the Puttaswamy case³³, have underlined that the right to privacy is an integral component of the right to life and personal liberty. A crucial component of the right to life is the right to privacy, which includes the right to confidentiality.

(A) Human Dignity in the Tapestry of the Indian Constitution

Despite the fact that the word "human dignity" is not explicitly included in the Indian Constitution, the concept of human dignity is included in the document. While this is going on, judicial interpretations and constitutional principles are demonstrating a commitment to safeguarding the fundamental value that individuals possess. Several constitutional laws and legal ideas in India's legal system work together to ensure that human dignity is protected within the framework of Indian law.

The Preamble of the Indian Constitution provides an overview of the objectives and intentions that the individuals who were responsible for drafting the constitution had in mind while they were working on it. In addition to being in accordance with the overarching ideal of human dignity, it focuses an emphasis on the significance of fundamental concepts such as fraternity, equality, justice, and liberty.³⁴

In accordance with Article 21 of the Constitution of India, every single person is given the right to life as well as the right to personal liberty.³⁵ The Supreme Court of India has provided a

³² Sumudu Atapattu, "The Right to a Healthy Life or the Right to Die Polluted?: The Emergence of a Human Right to a Healthy Environment Under International Law" 16(1) *Tulane Environmental Law Journal* 65-126 (2002).

³³ *Justice K.S.Puttaswamy(Retd) v. Union of India*, AIR 2018 SC (SUPP) 1841

³⁴ legalserviceindia.com., "The Preamble To The Indian Constitution." available at: <https://www.legalserviceindia.com/legal/article-1611-the-preamble-to-the-indian-constitution.html>. (last visited on September 23, 2024)

³⁵ Pandey, Abhinav, "Wide Interpretation of the Right to Life: The Question of Enforceability", Available at <http://dx.doi.org/10.2139/ssrn.2403191>, 2014

complete interpretation of the right to a decent life, which includes this clause within the scope of its interpretation. The entitlement to be treated with dignity is an intrinsic component of the entitlement to exist, as the Supreme Court has stated on several occasions in its rulings.

One of the provisions of the Constitution is known as "Equality Before the Law," and it ensures that all individuals are afforded equal rights and legal protections. This clause is guaranteed by the Constitution.³⁶ One of the most essential components of creating equality, which is closely tied to the concept of human dignity, is ensuring that every individual is treated with the same amount of respect under the law. This is one of the most crucial aspects of establishing equality. Article 15, often known as the "Prohibition of Discrimination," makes it illegal to discriminate against anyone on the basis of their religion, nationality, gender, or place of origin. This includes any and all forms of discrimination. Due to the fact that this section communicates the idea that every human being, regardless of their heritage, is entitled to equal respect, it is essential to take note of this paragraph.³⁷

According to Article 39(e) and (f) of the Constitution, individuals are granted the right to receive equal compensation for equal work-related efforts. Furthermore, the right to enough resources for a good existence is guaranteed to all individuals. In addition to promoting economic and social fairness, the objective of these guiding principles is to protect the inherent value and respect that is possessed by each and every individual.

Throughout the entirety of the decisions that have been handed down by the Indian court, most notably the Supreme Court, the concept of human dignity has been reinforced in each and every one of those rulings. In accordance with the decision of the Supreme Court, the right to life encompasses the right to protection from cruel and unusual punishments, the right to privacy, and the capacity to live a life that is worthy of respect. As part of the claim to life, each and every one of these rights is incorporated.

Despite the fact that the Indian Constitution does not offer a precise definition of the phrase "human dignity," it does encompass and promote this ideal via the various rights and notions that it provides. "Human dignity" The interpretation and application of these fundamental principles by the judicial system serves to emphasise the value that is intrinsic to every single human being.

³⁶ Sunil Khosla and M.M. Semwal, "Human Rights Jurisprudence in Indian Constitution Right to Equality and Life: Concept and Substance" 72 *The Indian Journal of Political Science* 926-936 (2011).

³⁷ The Constitution of India, 1950, Art 15