

Report on Guest Lecture

**Centre for Constitutional and Human Rights,
Alliance School of Law**

**Guest Lecture Report:
“Dynamics of Art 21 – Right to Life and Personal Liberty”**



**Alliance School of Law,
Alliance University, Bangalore
Submitted report on 27-02-2024**

Dynamics of Article 21 – Right to Life and Personal Liberty

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Guest Lecture was conducted by the **Centre for Constitutional and Human Rights,**

Profile of the speaker



Mr. Roy Chaco,
Advocate,
High Court of Kerala

Details of the Guest Lecture:

Date: 26th February 2024

Venue: Seminar Hall – III, 3rd floor, Learning Centre

Time: 10.30 AM To 12.30 PM

Topic: “ Dynamics of Article 21: Right to Life and Personal Liberty”

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Introduction

The Centre for Constitution and Human Rights recently organized a guest lecture on the "**Dynamics of Article 21 – Right to Life and Personal Liberty**" on 26th February 2024. The lecture aimed to delve into the **intricacies of Article 21 of the Indian Constitution** and its evolving interpretation over the years.

Renowned **Advocate Mr. Roy Chaco**, hailing from the High Court of Kerala, graced the occasion as the guest lecturer. The lecture, held at Seminar Hall III, Learning Centre, commenced at 10.30 AM and continued till 12.30 PM.

Guest Speaker and Expertise

Mr. Roy Chaco, an esteemed advocate with expertise in civil, criminal law, and constitutional law, began the lecture with an overview of Article 21 and its significance in the constitutional framework. He emphasized the pivotal role of Article 21 as one of the most cherished fundamental rights enshrined in the Indian Constitution. Drawing from historical legal cases, he elucidated the evolution of interpretations surrounding Article 21.



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Key Insights from the Lecture

Mr. Chaco provided insights into landmark legal cases such as **A.K. Gopalan v. State of Madras**. The case was heard by the Supreme Court of India in 1950 and had significant implications for the understanding of fundamental rights in the early years of India's independence. Ak Gopalan, a Communist leader, was arrested under the Preventive Detention Act and filed a writ petition challenging his detention's constitutionality. The case raised questions about the interpretation of Article 21 and its relationship with other constitutional rights. The Supreme Court rejected Gopalan's petition, leading to his continued detention. The judges adopted a narrower view of Article 21, reflecting the cautious approach to interpreting fundamental rights during Indian independence.

and **R.C. Cooper v. Union of India**, which played significant roles in shaping the understanding of Article 21. He highlighted the challenges faced during the period of the internal emergency in India and the subsequent legal amendments that ensued. The lecture also delved into the interplay between Article 21 and other fundamental rights, emphasizing the need for a comprehensive and inclusive interpretation.

Discussion on Judicial Precedents

The lecture extensively discussed judicial precedents and notable judgments that contributed to the elucidation of **Article 21**. Reference was made to the **Maneka Gandhi case**, where the right to travel abroad was established as an integral aspect of personal liberty. The role of eminent jurists such as **Justice Bhagwati and Justice Krishna Iyer** in shaping the interpretation of Article 21 was duly acknowledged.



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Contemporary Relevance and Legal Perspectives

Mr. Chaco provided insights into contemporary legal issues surrounding Article 21, including the right to privacy and euthanasia. He discussed recent developments in jurisprudence, including the Puttaswamy case, which affirmed the right to privacy as a fundamental right. The lecture also addressed pertinent questions raised by students regarding legal remedies, dissenting judgments, and the implications of delays in legal proceedings.

Student interactions

During the interactive session following Mr. Chaco's lecture, students posed several insightful questions, reflecting their engagement and interest in the subject matter.

Below is a detailed account of the questions raised and the corresponding responses provided by the guest speaker:

1. Whether an accused can deny a DNA test under the POSCO case with respect to Articles 20(3) and 21?

Mr. Chaco said that the consent of the individual is crucial in such cases and cannot be compelled. He also mentioned the recent amendment to Section 376 IPC and recommended a closer examination of it. Additionally, he highlighted that if the accused denies consent when compelled, the court can infer adversely.

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2. Can liberty in Article 21 be exploited?

Mr. Chaco explained that personal liberty, as guaranteed by Article 21, is subject to reasonable restrictions. He stressed the importance of balancing individual freedoms with societal interests and

3. How can students interpret Article 21 dynamically?

Responding to this question, Mr. Chaco emphasized the evolving nature of society and the multidimensional complexities of India. He encouraged students to understand the dynamic interpretation of Article 21 in line with societal developments and changing needs.

4. Why cannot the right to life include the right to die, and how can dying with dignity be interpreted?

Mr. Chaco cited the case of **Gian Kaur v. State of Punjab**, where euthanasia was upheld, emphasizing that the right to life does not inherently include the right to die. He underscored the importance of interpreting laws beyond mere legality to ensure justice.

5. What is the value of dissenting judgments in court arguments?

Mr. Chaco highlighted the significance of dissenting judgments, noting that they provide alternative perspectives and considerations, especially in light of changing socio-economic factors. While not binding precedent, dissenting judgments can be referred to in legal proceedings.

6. Is there a legal remedy to the right to privacy in the case of data mining?

Mr. Chaco mentioned the Information Technology Act as a legal remedy to address privacy concerns arising from data mining. He emphasized the need for legal frameworks to adapt to technological advancements.

7. How does delaying trials affect the rights of undertrials and justice?

Mr. Chaco highlighted the adage "Justice delayed is justice denied" and emphasized the responsibility of judges to ensure timely hearings. He acknowledged the challenges posed by delays in trial proceedings and underscored the need for efficient judicial processes.

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Other questions

- When we argue in a court of law, we mostly cite majority judgments but what is the value of dissenting judgment in a court of law
- Under Section 53A of evidence act, a person accused of rape can be compelled to medical examination including a DNA test. Will it not violate Articles 21 and 20(3)?
- How do judges' subjective biases affect judgments?



The student questions posed during the guest lecture on the dynamics of Article 21 reflected a deep understanding of constitutional principles and a keen interest in contemporary legal issues. Mr. Roy Chaco's insightful responses provided valuable perspectives, enriching the discourse on fundamental rights and personal liberties in India's constitutional framework. The interactive session served as a platform for intellectual exchange and critical inquiry, contributing to a holistic understanding of the subject matter.

Conclusion and Vote of Thanks

In conclusion, the guest lecture on the "Dynamics of Article 21 – Right to Life and Personal Liberty" proved to be an enriching and enlightening experience for all participants. Mr. Roy Chaco's profound expertise and insightful analysis provided a comprehensive understanding of the complexities surrounding Article 21. **The Centre for Constitution and Human Rights extends heartfelt gratitude to Mr. Chaco for his invaluable contribution.** We look forward to further engaging in discussions and collaborations aimed at promoting constitutional principles and human rights.

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Priya - Vote of Thanks

This report encapsulates the essence of the guest lecture, highlighting key themes, discussions, and insights presented by Mr. Roy Chaco. It underscores the significance of ongoing dialogue and scholarship in advancing constitutional understanding and upholding fundamental rights.

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