Constitutional Studies
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Lecture 15
Right to Life

Hello, and welcome back to week 7 Constitutional Studies. ~~I am sorry, I missed you in last week due to other industry commitments, I am glad to be back to pick things up from where we left them.~~ In week 7, as your course outline suggests, we are going to focus on the Right to Life. ~~,~~ ~~F~~for various reasons an introduction to the fundamental rights in the Constitution should begin with the fundamental right to life.

~~-~~In popular discourse, oftentimes, ~~most~~ many people will say that the right to life is everywhere.

Newspaper articles, which suggest~~s~~ that the right to sleep is a part of the right to life and so on. In this session, we could get ~~try to do is to get a~~ better ~~rounded~~ sense of what are the concrete elements of the right to life in the Indian Constitution, and more broadly in fundamental rights across the world.

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So, let us begin by trying to understand the ways in which the right to life operates as a fundamental right~~s~~. ~~I~~And ~~i~~n other words, if you did not have the right~~s~~ to life, ~~or protected rights to life,~~ much else would not have any meaning, the right to speech, for example, or the rights to expression, the right to movement. ~~,~~ ~~A~~all your liberty rights, would have no meaning

if your fundamental right to life was not there. I am going to start the first part of this lecture. W~~, w~~e will focus on the structure of Article 21.

I mentioned earlier in this course, that when we get into the specific rights and some other specific provisions in the Constitution, we are going to spend some time reading provisions of the Constitution. Many non lawyers might think, why do I need to read the provisions of the Constitution. And I am here to suggest that every active citizen in this country should be able to read and familiarize themselves with at least a set of basic provisions of the Constitution and A~~a~~rticle 21 is certainly one of them.

I also want to focus on the historical debate between – whether –A~~a~~rticle 21 gives us protection only against the executive branch of political government~~,~~ or – –against the executive and legislative branches of government. So, let us begin by focusing on the scope of application of Article 21 as well as the core text of Article 21 itself.

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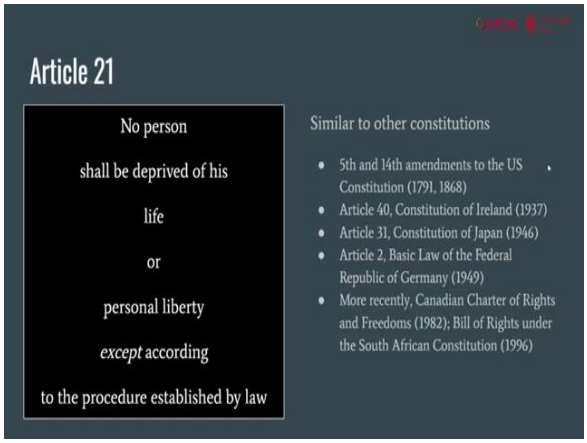

So Article 21 is a rather short clause in the Constitution. And in your ~~in your~~ slide, I have organized A~~a~~rticle 21, in a way that one might read it to see the logical connection between its parts. So let us follow the text. ~~No and, it says, so this is not a fact that is~~It is not confined to citizens, or to particular kinds of persons.~~,~~ A~~a~~ll natural persons have the right to life. Do legal persons have the right to life, meaning companies, trusts and societies?~~,~~ A~~a~~rguably not. But, all natural persons have a right to life.

Would natural persons include animals? At least on a present understanding, no!~~,~~ A~~a~~nimals would not be included. I~~i~~nanimate features like~~of~~ geography, rivers, etc, may not qualify to

be considered persons under Article 21. But everyone else would be considered a person, whether you were a citizen or not. No person shall be deprived. So, it is a negative right in the way it is phrased, you cannot be deprived of ~~what~~ life or personal liberty. Now I am going to break up these two phrases.

~~Life, clearly we understand a~~At a very basic minimum level, we understand, that life is the opposite of death. So you cannot be deprived of life or in other words, be put to death. And in what ways, we will just come to that in a moment. But we recognize that Aarticle 21 has a significant second part of protection, which is the protection of personal liberty. In week 7, we are not going to focus on questions of personal liberty, we are going to focus on the question of life and try and explore and find out, we will discover that ~~that~~ the word life has been understood in so many different ways that – that is a substantial arena for understanding and exploration.

Now, is this an absolute right? If you just stopped here, no person shall be deprived of his life or personal liberty. And if you stopped at this point, we would see that we have an absolute protection against deprivations of life and Personal Liberty. But we have discussed earlier in this course, that Constitutional rights protections are seldom absolute, they are often subject to exceptions. And the matter of framing, the style of framing, drafting in the Indian Constitution, is that the exceptions are grafted on to the provision, which gives you the right itself, Article 21 is certainly no different.

So, Aarticle 21, is qualified in an important way, it says, except, ~~that is~~ there is an exception – , except "~~according~~ to the procedure established by law." Now, the procedure established by law, at the very minimum means the law that is passed by the legislature. So if the legislature, whether that be a state legislature of Parliament, passes a law, which allows for the deprivation, which provides a procedure for the deprivation of life or personal liberty, then that provision would be valid.

So now, when read with this exception, the protection of the right to life does not look so strong after all, and it gives us cause to think, "oh, so essentially, we have a right to life or personal liberty, so long as we can convince our legislators of the scope and the necessity of that protection." At this point, it is useful to take this very simple Aarticle and to look at its historical origins, and some comparative analysis about where we are drawing from because as you can imagine, with such a carefully drafted clause, ~~that~~ there has been a long debate about how exactly, ~~this should be,~~ this should be set up.

Now, many scholars ~~and~~ would recognize quickly that the Aarticle 21 draws from the American Constitution tradition in a significant way, the fifth and the 14th amendment of the US Constitution, talk about the deprivation of life, liberty or property and they qualify that you cannot be deprived of Life, Liberty, property, without due process of law. Please notice the difference in the phrasing of the US Constitution and the Indian Constitution. The US Constitution speaks in terms of the "due process of law", the Indian Constitution speaks in terms of the "procedure established by law."

So these two provisions, do they really mean the same thing , ~~d~~or do~~o~~ they mean different things~~, has been, is~~was an issue that is hotly debated in the Indian Cconstituentte Aassembly debates. Briefly, we could summarize the debates to be that the "due process of law" imposes so many judicial limitations on legislative power and executive power that our Constitution framers chose "procedure~~s~~ established by law" to be a lower standard, a lower standard of interference by the courts.

That is, -the courts cannot step in and see that every law or every other law that is passed by a state legislature, or by the union, parliament, would be a violation of the right to life because ~~it was not,~~ it did not satisfy the due process of law standards. And so trying to put some distance between the American experience and the Indian experience and being fearful of excessive judicial interference, the Indian framers chose procedure~~s~~ established by law as a lower standard for the exception.

Now, we could look elsewhere and ask where did this procedure established by law phrasing emerge~~d~~ from ~~and~~. I~~i~~t appears that it draws most directly from The Japanese Constitution. And Aarticle 31 of the Japanese Constitution reads like this, "no person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedures established by law." A simple reading suggests that if you took out the middle phrase in the Japanese Constitution, Article 31 of the Japanese Constitution of 1946, appears to be almost identical to Article 21 of the Indian Constitution.

And so the Indian Constitution issues more closely to the Japanese Constitution than to the American Constitution, at least in its phrasing of the right to life. It is useful to look at both the Federal Republic of Germany's Basic Law, which was ~~created in article,~~ created in 1949, a~~a~~nd Aarticle 2 in particular, as well as more recent Constitutions ~~,~~, the -Canadian Charter of Rights and Freedoms in 1982, as well as the South African Constitution in 1996. And when

we look at these other comparative examples, we get a very good sense that, oftentimes the expression life gets closely connected to questions of human dignity.

And let us look at the Aarticle 2 of the Bbasic L~~l~~aw in Germany. Every person should have the right to life and physical integrity, freedom of the person ~~shall remain~~ shall be inviolable, these rights may be interfered with only pursuant to a law. Notice the strength of the German Constitution's almost absolute protection of the right to life and physical integrity. The reference to physical integrity suggests a broader framing of the right to life.

But by clearly stating that is inviolable, one is only ~~a~~ cautioned to think about German Constitutional history and German political history to understand why this post war Constitution took such a strong view about the inviolable character of the right to life. The Canadian Constitution pushes in a slightly different direction, by allowing for ~~the~~ that, and I will read it and then explain it.

"Everyone has the right to life, liberty and security of the person and the right not to be deprived of except in accordance with the principles of fundamental justice." Notice that the Canadian Constitution has a different way of creating an exception. It is **not** except according to the procedure established ~~s damaged~~ by law, it is except according to the principles of fundamental justice. Now, as we get a little further in this lecture, you will see that the Indian Constitution has moved in directions similar to those both in the German Constitution in one sense, and the Canadian Constitution in another.

The Indian Constitutional Court, Constitutional judges are much more akin to think about the phrase "procedure established by law" as including principles of fundamental justice, but more about that later. The third Constitution that we want to look at and provide some guidance as to how we might interpret Aarticle 21 of the Constitution is the South African Constitution. And the South African Constitution of 1996 makes a direct pitch to ideas of dignity. Section 10 of the South African Constitution titled human dignity reads like this:~~.~~

"Everyone, one has inherent dignity and the right to have their dignity respected and protected." South African Constitution anchors an understanding of fundamental rights and the right to life around the concept of human dignity. Section 11 then goes on to say, everyone has a right to life. And Ssection 12 assures every assures all South Africans, that everyone has the right to freedom and security of the person. So notice in the South African

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Constitution, that Ssection 10 elevates human dignity to be of a foundational character on which fundamental rights are based.

Now this constellation of ideas, and I am just going to revise them once, so that we understand them before we get stuck into a history of Article 21 - , right to life cases and how it has been interpreted and so on., Pplease notice the three important things:.

1. First, that the Indian Constitution framers consciously chose a Japanese Constitutional framing, "procedure established by law" to be the exception to the right to life. And this was in distinction to the American due process of law framing, point number one.

2. Point number two is that the Indian Constitution in the way it has been interpreted, has focused quite heavily on the principles of fundamental justice to be replacing the phrase procedures established by law. So the Canadian Constitution of 1982 gives us an inkling that this is a direction in which the court could potentially move.

3. Third, the South African Constitution of 1996 fore grants all discussions of the right to life as well as other fundamental rights in the Constitution on the concept of human dignity.

And we are going to notice that in the Indian context, the right to dignity has also come to the fore, or the concept of dignity has come to the fore in our understanding of the article 21 right to life.

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So let us move on now, and look at to develop a very brief broad overview for an introductory course like this, the phrase procedure established by law and the various complications that it generates, is not one that we can spend a lot of time analyzing and going into every single case. What I am going to try and do is to collapse that by 70 year history to be a history that can be broken up into two significant parts. In the first phase of that history, the question that came before courts is whether the phrase "procedure~~s~~ established by law" is only a procedural or substantive protection against a power.

In the early cases, *AK Gopalan* to *ADM Jabalpur*, in broadly this ~~is~~ period 1950 to 1967, the courts took the view that A~~a~~rticle 21 was really a strong protection against the executive branch. The executive branch of government must follow the law to the last detail, to the last procedural detail in every case where there was a deprivation of the right to life or personal liberty. So the executive branch of government, the police, the investigation agencies, all of them were very tightly bound by Article 21.

But the moment you made a law, you know, the legislature, if the legislature created a preventive detention law, the legislature created an overbroad legislation that deprive someone of liberty, ~~you almost had,~~ you had little or no protection – this ~~,~~ was the early position from 1950 to 1967.

But by the mid 1970s, when the Supreme Court decided, *Maneka Gandhi*, the court had already moved the dial on this question, it was willing to protect state action of both legislation as well as executive action against ~~the~~, which violated the fundamental right to life.

So now what you notice is, not only does the court and *Maneka Gandhi* bring in principles of fundamental justice, but it also allows for protection against discrete forms of legislation. ~~*This is not the I think*~~ *Maneka Gandhi* was a case where the Regional Passport Officer of Delhi had impounded the passport issued to Maneka Gandhi and the question before the court was – whether impounding her passport without giving a proper hearing would deprive Maneka Gandhi's fundamental rights. To get a context of the case, it is pertinent to know that Maneka Gandhi was Sanjay Gandhi's wife and Sanjay was the son of the then Prime Minister Smt. Indira Gandhi. ~~*some of you will know that the Maneka Gandhi case*~~

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~~was about a passport that was issued to the wife of Sanjay Gandhi and the court was willing to say that Maneka Gandhi's rights would deprive by not being given a hearing in a proper opportunity to represent her case.~~

So notice two things, though the Maneka Gandhi case was about executive action, the courts had already started shifting the scope of protection ~~in~~ under Article 21 to legislative action. And now I suggest that the third phase for *Maneka Gandhi* to *Navtej Johar* (2018) has been a phase where we have moved away from a narrow definition of the scope of the right to life to include a fuller idea of what life might mean. Life not merely meaning the being put to death or being deprived of life, but life also meaning a host of positive dimensions, a meaningful life, and one where dignity and privacy of the individual is protected.

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In recent cases, the dignity and privacy of individuals has come to occupy a much stronger and wider scope, which the court is willing to protect. And it is quite exciting to see that future right to life cases are going to be guided by this different frame. So how do we conclude this broad history, as with any potted history, it has a lot of gaps, it is broad and general in character, there are individual cases that might go against the grain of this history.

But it is useful for an introductory course like this, to get this broad outline which is a frame for you to work with. Now, the right to life in recent cases, is invoked routinely where there is no deprivation of life and liberty at all. In fact, the right to life is routinely invoked in cases where the state may be asked to enhance the life conditions, the dignity and protect the privacy of individuals. So it is about respecting the dignity and autonomy of individuals, and not strictly cases where one is deprived of life.

So all put together, the broad history of the right to life across 70 years, looks like this.

In the next section, we are going to focus on discrete cases where the right to life has been deprived.

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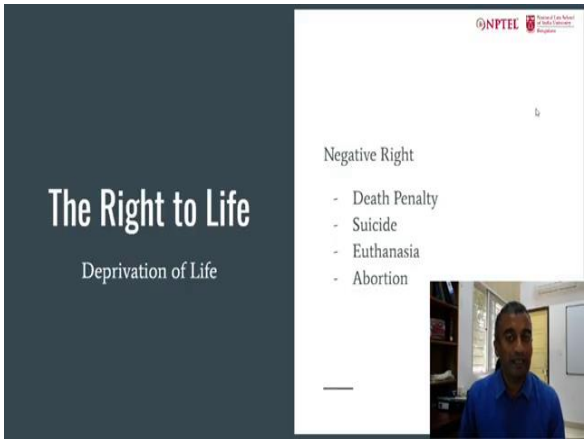

So when we read Aarticle 21, you notice that the phrase of the article itself says, no person shall be deprived. In the ~~So in this first section, we are going to focus only on the deprivation of life. Sorry, it is not the first section,~~ first section, ~~-~~we focused on Aarticle 21 and the broad history of its application. In the second section, we are going to focus on cases where there has been a deprivation of life. When we treat the right to life as being a negative right, that is the right against deprivation, we can focus on four types of problems that might arise before a court.

1. The first is the death penalty. The death penalty, as all of you know, is a case where the state decides to take away somebody's life for the commission of a crime.

2. ~~-~~The second is suicides. Here a private person may decide to take away their life, but somebody may assist them. So these kinds of cases have come before the court. As we know in our public life and public discussion, suicide cases have come to occupy almost too much of media attention. But we are going to focus only on suicide in the context of the right to life.

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3. The third deprivation that we focus on is on euthanasia. Euthanasia is an instance where somebody seeks to give up their life, but usually under circumstances of some duress, either medical or some other form of duress, where they choose a medical path by which they end their lives.

4. The fourth is abortion. Abortion is a case where there is the deprivation of life or unsure when life commences, but when a fetus is terminated, what kinds of fundamental rights questions does this give rise to.

These are the four questions that we will focus on in this second section with which we work towards the end of lecture 1.

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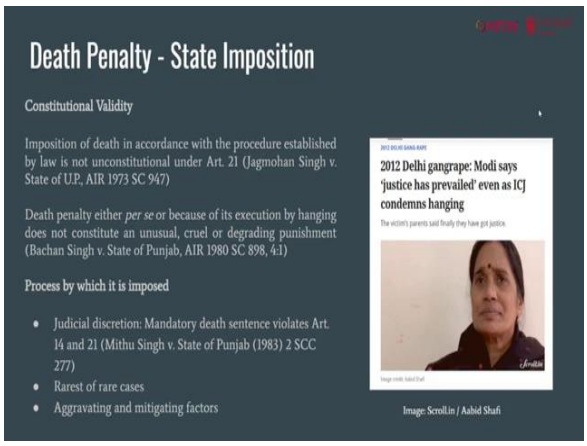

So let us begin with the death penalty. I think most of us thinking about the death penalty ~~the~~ would remember that the Delhi gang rape decision for which the death penalty was implemented most recently, is an issue on which public discourse is very fraught and quite fractured. As we know, the parents of the victim as well as the government of the day took a very strong stance that the death penalty should indeed be imposed.

Some rights groups argue that even under circumstances as dire as this and as culpable as the accused were in this case, that the death penalty should not be implemented ~~even in this case~~. And so the question of death penalty raises these moral concerns to a very high level. And it is worth thinking through both as a philosophical as well as a moral and legal problem~~, which is what we will do in this slide.~~. So first things first, is the imposition of the death penalty by the state valid at all?

In some jurisdictions, there are say in many jurisdictions around the world, the imposition of the death penalty has been held *per se* to be unconstitutional. That is a violation of fundamental right. Now, arguments about the death penalty usually take two forms. First, that is ~~a~~ cruel and a practice which the state should never engage in under any circumstances. If

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indeed, there is someone who is a mortal threat to society, that person should be put away in a prison, but humans should not and political states should not engage in a practice of taking away anyone's life, no matter what reasons.

However, the Indian court has not held that the death penalty *per se* is unconstitutional. And the case that often we refer to as the *Bachchan Singh versus the State of Punjab* case in 1980, where the Supreme Court in a four to one majority held that the death penalty is not an unusual, cruel or degrading punishment, that it was Constitutionally valid and valid to be exercised by process of hanging.

Now can the imposition of death penalty in its method of administration be something that was challenged. This came up with the *Jagmohan Singh* case, but the court has by and large upheld that the imposition of the death penalty through an appropriate procedure and we will come back to this in the next slide as a reasonable punishment that satisfied Aarticle 21. Now, having said this, the court has not embraced the death penalty in all cases. So it tends to focus on a few elements.

First, that there should be no criminal law provision that insists on a mandatory death sentence. So if there is a provision that says that if you do X, Y and Z, you will be mandatorily subject to the death penalty, the court will hold that provision unconstitutional. The court insists that this is a matter of judicial discretion, courts must decide whether the particular case is a case befitting the death penalty. And this was the decision in the 1983 case called *Meetu Mithu Singh.*

And what kind of discretion will the court engage in, it will ensure that the death penalty is imposed in the "rarest of rare cases", taking into account all aggravating and mitigating factors. Now, let me just say two lines about the aggravating and mitigating factors. What is an aggravating factor? A factor that enhances the reasons for the imposition of the death penalty. What is a mitigating factor? A mitigating factor is a factor that reduces the reasons for the imposition of the death penalty.

Notice that both these concerns arise only in the sentencing stage. The person is already, The accused has been found guilty of the crime and in the process of sentencing, where the court has to decide whether it will impose a death penalty sentence or some other sentence, say life imprisonment, these aggravating and mitigating circumstances matter. Ultimately, before

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court imposes the death penalty, it must be satisfied that this is the rarest of the rare case and hence deserves the death.

Now this, both the standards rarest of the rare case and aggravating mitigating circumstance are applied by the courts and there have been academic criticisms, and research to show that they have been applied inconsistently. So more often than not, anyone who has been sentenced to the death penalty will engage a lawyer and try to show that their case is not the rarest of rare case, and that there are mitigating factors for the non imposition of the death penalty, and they sometimes succeed. So, there is a significant body of work around this question.

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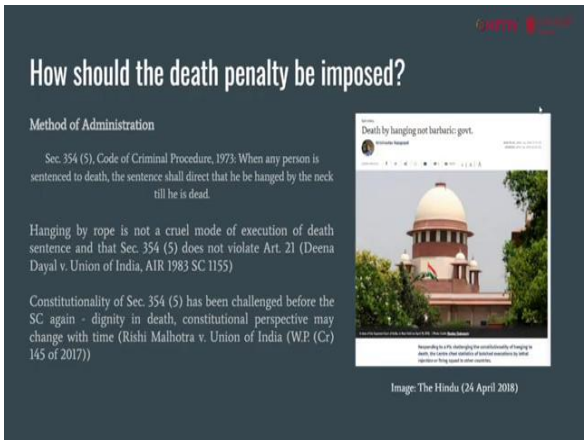

The second, so if you are unable to satisfy the court that yours is not the rarest of rare case, and you are sentenced to death, then the second method of challenge might be to try to show that the current method of administration of the death penalty is one that violates article 21, that is, it is too cruel. What is the current method, section 354 of the code of Criminal Procedure provides, that person may be hanged by the neck till he is dead. So it is hanging, it is death by hanging that is the preferred method for the administration of the death penalty.

This has been challenged in cases, and the court has generally not held that that death by hanging is a cruel method causes unnecessary pain and hence may be avoided. So the court is ~~quiet~~ quiette ~~so~~ so far, it has been reluctant to interfere in on the Constitutional validity of Section 354, clause 5. However, there are some ~~signs are~~ recent signs that the protection of

dignity and the right to life may well mean that death by hanging is a rather crude and excessive mode of punishment.

And there is potential for this view of the law to change. So that composes or completes our discussion on the death penalty, I would encourage all of you to see both in film and literature, the representations of issues around death penalty, this is an issue that all of us must be thinking about carefully, and thinking about whether the abolition of the death penalty will make India a safer and a more, a society that protects human values better than its continued use. So I will leave you with that question.

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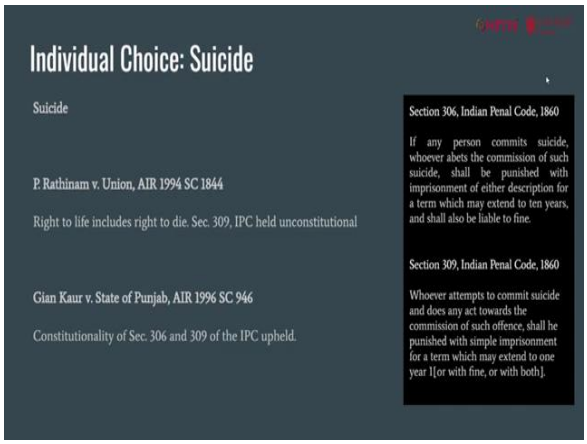

And let us move on to the second issue of arising in death in Article 21 cases related to the deprivation of life. As not many of you may know, suicide in the Indian Penal Code is punishable~~ing~~. So if any person commits suicide, whoever abets the commission of such suicide, section 306 tells us shall be punished with imprisonment of either description for a term which may extend to 10 years and also be liable to fine. Yeah. So the attempts to commit the abetment of the commission are all punishable 306 and 309.

And oftentimes, people in distress may have attempted to commit suicide are then doubly punished because it is a criminal offense and prosecuted by the state. And this issue has been challenged in the Supreme Court, and in other Constitutional cases in India, and the court has been rather inconsistent in trying to figure out whether it would declare 306 and 309 unconstitutional.

A simple argument that was first put forth in 1994 in the *Rathinam case*, was that the right to life includes the right to die. So section 309, which deals with attempts to commit suicide and should be held unconstitutional. And the court in Rathinam agreed, but in *Gian Kaur* ~~court~~, the Court reversed its position in 1996. And took the view that there are some serious risks to decriminalizing attempts to commit suicide because it might allow for other forms of criminality which might raise concerns and that the right to life could not ~~in an Indian context~~ include the right to die, in an Indian context. ~~.~~

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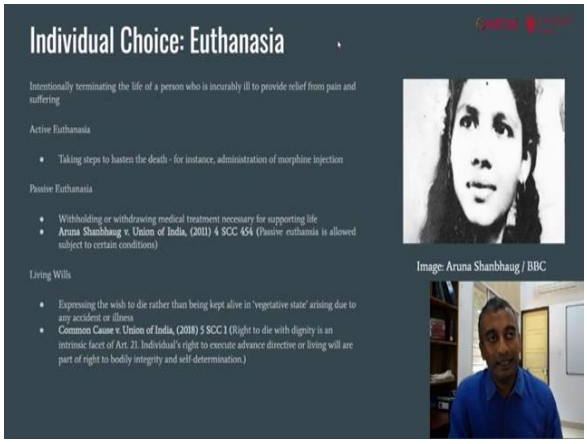

E~~In a related and e~~uthanasia and suicide are related in a particular way in that both involve the individual choice to end one's life. The distinction being that while euthanasia seems to be used to refer to circumstances where there is a medical termination of life, suicide is the broader description of the ending of life under any circumstances. So the euthanasia debates in India have taken a slightly different turn from the suicide debates in India. So let us define euthanasia before we go ahead.

Which is, ~~which is~~ the euthanasia refers to the circumstance being ~~intentionally terminated~~ one's life intentionally terminated and that person is incurably ill. So the person is at the terminal stage of life and is under some pain and suffering and has no reasonable prospect of recovering and euthanasia is a medical decision refers to the medical decision to allow the person to die. Now, euthanasia occurs in two broad kinds of circumstances, that can be active euthanasia, where steps are taken for to hasten one's life, the ending of one's life, usually this is in the form of an injection of substance that can hasten the process or some combination of drugs that will allow someone to die peacefully.

A passive euthanasia is a different circumstance, that is, that occurs when someone is in such a poor situation, that they would not survive if medical intervention was not permitted. So passive euthanasia cases occurred when the withdrawal of medical treatment is automatically results in the person ceasing to live. So Aruna Shanbhag is a case that occupied a lot of public attention a few years ago, and it dealt with somebody who was artificially supported, whose life was artificially supported, if I am not mistaken for almost two decades.

And the question was, can the hospital concerned and the next of kin and those surrounding the person be permitted to remove this life support and allow the person to die. And the court after multiple levels of litigation conceded that passive euthanasia was permissible, but under very strict conditions, including court supervision. So essentially, a high court would need to make the decision to permit this kind of the ending of life.

In more recent cases, the courts have been quite willing to deal with the problem of consent, in these, in cases of medical termination, by allowing people to make living wills. A living will is one where while one is hale and hearty and in full possession of one's senses, one makes of written communication to say that if you, if one is placed in a situation, where there is a decision to be made about the revival of life or the maintenance of life using artificial medical means, that this should not be done.

So a living will is essentially one where a person makes a decision, while one has the ability to consent and the ability to make a conscious choice to permit doctors and permit the next of kin to terminate life if one were placed in an acute medical situation. In Common Cause versus the Union of India in 2018, the Supreme Court took the view that living wills should be treated to be an intrinsic aspect of the right to life, in particular, the right to die with some dignity.

Now notice that active euthanasia is the only part of this an array of circumstances which is not effectively covered by the Supreme Court decision-making on euthanasia. And if you make the connection to the discussion on suicide that we had just a few minutes ago, you can see that active euthanasia has elements of the suicide question in 306 and 309. And the court has not moved to resolve those questions with any clarity.

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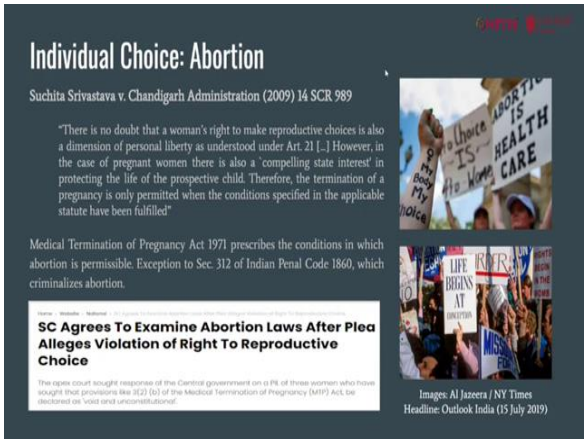

We conclude this segment focusing on the deprivation of the right to life by looking at individual choices relating to abortion. So abortion is the circumstance where a woman who is carrying a fetus makes the decision to abort the fetus and not carry the fetus to term. There might be several reasons for abortion, the lack of consent, which gave rise to the pregnancy, the lack of knowledge which gave rise to pregnancy, some serious fetal abnormalities, threat to the life of mother, or an unplanned pregnancy, that results in the need for abortion.

So this is not an issue as many of you may know. The abortion debates are very significant in the US and pro life and pro choice, constituencies are both politically mobilized. And appointments to the US Supreme Court as well as political voting battles are fought around this issue. They should not have the same salience in India as for religious, moral and philosophical reasons, the question about the conception of life and the decision to abort has not occupied the public sphere in quite the same way.

In a manner of speaking just to be alert to the circumstances of the debate. The debate is primarily about when life begins, does life begin at the point of conception or does life begin at the point of birth. And the difference between the two positions, starting position from the argument result in very different outcomes about how the right to life should be applied to abortion. As things stand, the Medical Termination Of Pregnancy Act of 1971, prescribes the conditions under which abortion is permissible.

And it is seen as an exception by section 312 of the Indian Penal Code of 1860, which otherwise criminalizes abortion. So we know that there is a criminal bar to abortion section

312 and the Medical Termination of Pregnancy Act allows for exceptions to that section 312 application, thereby carving out a zone where abortion can be exercised.

In *Suchita Srivastava*–, which is the case that we have accepted for you in 2009, you will notice that the real distinction between cases relating to euthanasia or suicide, any of that is that there are potentially two agents, two persons who may be claiming a right to life. For those who claim that life emerges at conception, that is the fetus, which may have a potential rights claim at that is the fetus in the womb of mother. And so there is a woman who has fundamental rights claim.

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And so *Suchita Srivastava*, you have noticed that the court takes the view that that the reproductive choices of the woman are protected by the fundamental right to life, and that this fundamental right to life of the woman is exercisable. It should be exercisable in a manner that is, that protects the dignity and autonomy of the woman. So, the Indian position on this question is supportive of the woman's rights to abortion.

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There are pending cases, very interesting cases challenging the conditions imposed by the Medical Termination of Pregnancy Act 1971. And for those of you who are very interested, you should be tracking these cases because it is what one cannot predict. But it is possible that questions of abortion and questions of the right to life of a woman, the autonomy and dignity that right to life entails may well become significant issues both legally Constitutionally, as well as politically in the years to come.

So, this completes our second section, the second section was about the negative right to life. So lecture 1 will stop here. I will come back in lecture 2 to look at the positive dimensions of life. Let me quickly summarize, we have covered the structure and the history of the phrasing of Article 21, what choices were made at the time of Constitution framing, how has that story evolved across 70 years.

And then, in the second part of lecture two, we focused on the negative right to life, under what conditions is the deprivation of life considered a violation of fundamental rights to life. In particular, we focused on the death penalty, suicide and euthanasia and abortion. And with that, we conclude this section and I will be back in lecture 2 to focus on the positive dimensions of the right to life. Thank you.