APPENDIX- I

The National Commission to review the working of the Constitution has made the following recommendations relating to Art. 21.

(1) The existing article 21 may be re-numbered as clause (1) thereof, and new clause (2) should be inserted thereafter on the following lines :-“(2) No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

(2) After clause (2) in article 21 as proposed in para 3.9, a new clause, namely, clause (3) should be added on the following lines :-

“(3) Every person who has been illegally deprived of his right to life or liberty shall have an enforceable right to compensation,”

(3) After article 21, a new article, say article 21-A, should be inserted on the following lines :-

“21-A. (1) Every person shall have the right to leave the territory of India and every citizen shall have the right to return to India.

(2) Nothing in clause (1) shall prevent the state from making any law imposing reasonable restrictions in the interests of the sovereignty and integrity of India, friendly relations of India with foreign States and interests of the general public.”

(4) A new article, namely article 21-B, should be inserted on the following lines:

“21-B. (1) Every person has a right to respect for his private and family life, his home and his correspondence.”
(2) Nothing in clause (1) shall prevent the State from making any law imposing reasonable restrictions on the exercise of the right conferred by clause (1), in the interests of security of the state, public safety or for the prevention of disorder or crime, or for the protection of health or morals, or for the protection of the rights and freedoms of others.”

(5) A new article, say article 21-C, may be added to make it obligatory on the State to bring suitable legislation for ensuring the right to rural wage employment for a minimum of eighty days in a year.