

# RIGHT TO SLEEP: A NEOTERIC UNCELEBRATED RIGHT IN INDIA

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## ABSTRACT

*"Don't interfere with anything in the Constitution. That must be maintained, for it is the only safeguard of our liberties."*

-Abraham Lincoln

The Indian judiciary has been debating for a long time about which rights should be included within the framework of fundamental rights, in particular the right to life within the scope of Article 21. Previous opinions have already developed that life is not merely an animal existence-it should be a civilized quality of life. In this paper, the inclusion of right to sleep within the ambit of right to life has been discussed, with special reference to the 2011 case of *Re-Ramlila Maidan Incident Dt. 4/5.06.2011 vs Home Secretary and Ors*<sup>i</sup> among others. In this situation, Baba Ramdev 's sleeping followers were violently chased away by the police force at 1 a.m., which necessitated the conversation about sleep as part of life. Following the incident, the question arose as to whether, when implementing justice, the State should consider people's sleep schedule as a significant factor, and to what degree. Police sought to justify their conduct through a variety of legislations, such as the Code of Criminal Procedure and the Indian Constitution itself, which places fair limits on the exercise of the fundamental rights of a individual. In this situation, the Supreme Court of India started to decide on the balance between the people's right to sleep and the state's preservation of peace thus leading to the provision of a landmark judgement. This research provides a thorough analysis of the facts and arguments of the case, along with the Court's rationale behind the judgment throwing light the criticisms of the judgement as well. An attempt has been made to comprehensively discuss the right to sleep for now it has been established a part of the Indian Constitution once and forever by the Supreme Judiciary itself.

## RESEARCH OBJECTIVES

The significant goal of the research is to develop a formalized line of establishment of the right to sleep. The objective of the current study is to provide a comprehensive study of the right to sleep from the judicial point of view among others, shifting the focus of the right as just something that makes it legal to have goodnight's sleep. Particularly, the study has the following sub-objectives: 1. To analyse right to sleep in the context of being a fundamental right; 2. To provide a comprehensive review of the case that led and several case laws that paved way for right to sleep to be identified as a fundamental right; 3. To analysis the law on right to sleep to understand its scope in the contemporary times.

## RESEARCH QUESTIONS

1. Is a right to sleep a fundamental right though not explicitly mentioned in the Indian Constitution?
2. What are the circumstances that led to the judiciary recognizing right to sleep as a fundamental right? If Right to Sleep was made a fundamental right in 2011, what prominence did it hold in the eyes of law prior to that?
3. Does right to sleep mean any individual can sleep anywhere, anytime in any way they wish without being disturbed?

## RESEARCH METHODOLOGY

Methods of research can be broadly classified into doctrinal and non-doctrinal. For the purpose of the current research, the author as most significantly used the doctrinal method of research that involves the usage of books, volumes, gazettes and other library materials. This type of research has specifically been chosen so that the author finds ease to study about various precedents and specific legislations of other nations among others.

## LITERATURE REVIEW

### *Annesha Das, A Case Analysis on the Ramlila Maidan Incident<sup>ii</sup>*

The Indian Constitution grants certain fundamental rights and liberties to the people, and these are recognized as Fundamental Rights and are envisaged in Section III of the Indian Constitution. There is clear reference in the Constitution itself of the reasons for enforcing such limits on fundamental rights, and thus these rights can only be abbreviated to the degree set. The Incident at Ramlila was a very unfortunate occurrence. The Supreme Court of India took suo moto cognizance of the case and gave the Fundamental Rights a new dimension stating that the right to sleep peacefully a fundamental right under Article 21<sup>iii</sup>. The Honourable Court claimed in the present case that it was evident that both right to sleep and privacy were also regarded as a fundamental right such as the right to breathe, eat, drink, blink, etc., there by extending the ambit of Fundamental Rights and increasing the protection given under Article 21 of our constitution.

### *Jonathan Weyes, Court rules a goodnight sleep a human right<sup>iv</sup>*

The European Court of Human Rights said that overnight flights at Heathrow Airport in west London had breached residents' fundamental human rights. The UK Administration, to whom the matter has been appealed, will also have to reconsider the whole topic of Heathrow flights between 11.30pm and 6 am. Eight citizens live outside Heathrow, one of whom is a leader of the anti-noise group HACAN Clear Sky, brought the complaint against the British Transport Department. Celebrating reports of the London decision, Richmond Park Liberal MP Jenny Tonge said: "This is fantastic news. It's been a really long road and a step in the right direction." A spokesman for the British Transport Department said: "The government will closely study the ruling before determining what action it will take and cannot speak more on the case at this stage." The European Court of Human Rights, post hearing the issue in May 2000, decided that citizens' right to get a fair night's sleep was the reality.

### *Kanchan Yadav, 'Right to Sleep as a Fundamental Right an Analysis vis-à-vis the Ramlila Maidan Case'<sup>v</sup>*

In a statement against followers of Ramdev, Kapadia, former India's chief justice, made an explicit reference to the verdict. He said "Yes, we included right to sleep, where do we go?

This is not a critique. Is it able to get enforced? The judge needed to analyze the enforceability as you extend the privilege. Questions that courts will consider about that it is enforceable. Judges ought to implement the criterion of enforceability. Currently, if a judge brings forward a legal issue, the government insists we do not pursue it. Are you trying to just enforce it by means of disdain?”. Judges are not expected to rule the world. We have to go strictly by principle. This shouldn't mess with government if you pass a rule. We are not responsible to citizens. Kapadia said judges would strictly observe the basic rules that specifically defined the division of powers between the judiciary, legislative, and executive branches. The decision may have its shortcomings but it can be inferred that the Hon'ble Supreme Court's suo moto intervention was laudable in the context of popular interest. This reiterates the idea that the Indian Judiciary is adamant about protecting people's constitutional rights, even though India's government has neglected to secure the most significant freedoms. The seminal judgment provided a clear picture of the judiciary's attitude to the welfare of Indian citizens, and is profoundly inspirational to the common people.

### ***Ananya Pratap Singh, Right to Sleep and Judicial Endorsement*** <sup>vi</sup>

Sleeping is an important aspect of a balanced human life and well-being. A person's lack of Sleep is violation of his freedom to stay in a safe setting. As all other freedoms, under the process set down by statute, this privilege is therefore subject to fair limitation. Noise can infringe upon it. In this universe every individual is separate in his or her identity. In one, what is beautiful rhyme may be a nightmare for another. Likewise, an individual can have a special vulnerability to the sound of even low decibels. Even certain sound triggers like vehicles, ships, and factories should be shunned away. All these are essential to human evolution.

## **INTRODUCTION**

In the words of Dr.A. N. Vgontzas “If you lose one night of sleep, your mental performance is like you are legally drunk”. Several experiments have shown that not getting enough sleep, makes us prone to get a sour view of conditions and become.<sup>vii</sup>

India's Constitution is the basic and sole law of the country, and fundamental rights are an integral aspect of this law.<sup>viii</sup> One of the most essential provisions of the constitution is the Article 21, one of these fundamental rights.<sup>ix</sup> No person shall be deprived of his or her life and

personal liberty as stated by this Provision, except in compliance with the process provided for by statute.

There is no question that in right to life being one of the vital and basic of all the constitutional provisions, but it also contributes to the interesting changes in our Constitution that deal with the expansion of the scope to Article 21.<sup>x</sup>

## **IS RIGHT TO SLEEP A FUNDAMENTAL RIGHT?**

When Article 19(1) (a)<sup>xi</sup> and Article 21 of the Indian Constitution<sup>xii</sup> are read together, it can be noted that people are entitled to a decent atmosphere and a safe living space, the right to sleep at night which are some of the fundamental components provided by Article 21 of the Constitution under the ambit of right to sleep. Indians have the right to sleep and leisure. Mental stress is triggered by interruption or loss of sleep, loss of work performance and other things. The Supreme Court has widened the scope of the right to life in order to bring a citation. The apex court while recognizing it as a fundamental right stated, “Sleep is essential for a human being to maintain the delicate balance of health necessary for its very existence and survival. Sleep is, therefore, a fundamental and basic requirement without which the existence of life itself would be in peril”.<sup>xiii</sup>

When looked at the importance of granting people the right under Indian law to assert their right to sleep, it is better that we start off with looking at the foreign clauses that mention the importance of this right. When we look at the global situation, the Universal Declaration of Human Rights (1948) (Article 12) while talking about privacy tells: “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks”.<sup>xiv</sup> Moving ahead, the United Nation’s International Covenant on Civil and Political Rights (Article 17) states that “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. Everyone has the right to the protection of the law against such interference and attacks”.<sup>xv</sup> At last, the European Convention for the Protection of Human Rights and Fundamental Freedoms (Article 8(1)) pronounces “everyone has the right to respect for his private and family life, his home and his correspondence”.<sup>xvi</sup>



When we look at the judicial approach across the world concerning the right to sleep, the said right was discussed at a first in the case of *Clark v. Community for Creative Non-Violence*<sup>xvii</sup>, which was a case of the United States Supreme Court where the rule of the National Park Service that explicitly banned people from sleeping in the park was questioned. Going into the facts of the case, a protest was organised on the National Mall and Lafayette Park by an organisation to make citizens aware of the problems faced by homeless people. Permits were all set and received for demonstration - seven day long. However, the Park Service rejected the offer for the visitors to be allowed to sleep in the tents. This rule was contested by the CCNV saying that it was violation to their First amendment. Further, the European Court of Human Rights, put out, in the case of *Varga and Others v. Hungary*<sup>xviii</sup>, that Article 13 and Article 3 read with

Article 13 of the European Convention on Human Rights<sup>xix</sup> were clearly violated which talk about the provision of improper sleeping arrangements leading to a violation of their right to sleep.

#### ***Does disturbing sleep violate Fundamental Right?***

Sleep studies have shown that healthy sleep sets the brain up with optimistic emotions in research after analysis. The effect of an improper sleep at night as mentioned by the Hon'ble Calcutta High Court in *Burrabazar Fire Works Dealers Association & Ors. V. The Commissioner of Police & Ors*<sup>xx</sup> relying upon the words of a renowned doctor who pointed out in one of her reports in the British Medical Journal, where she wrote that noise can lead to adverse health consequences. The effect of an improper sleep at night entails a shift in mood, a decline in output in academic and other activities. Also, a new study of noise and sleep studies has also found that noise at night does not exceed 45 dB(A) in sleeping quarters.<sup>xxi</sup>

Interfering with sleep and resulting in loss of attention, decreased efficiency and irritability and is one of the noise's most visible and irritating effects. Sleep is a metabolic requirement and inadequate sleep will also adversely affect wellbeing. Besides fitness, it affects the nervous system, coronary disease of the cardiovascular system (circular) and so on, aside from deafness. It can now be noted from all that is discussed above the right to sleep and right to privacy are now considered to be fundamental rights under right to life.

An individual has the right to sleep as peacefully and freely just as he breathes. To preserve health required for one's very survival, one of the most important things is sleep for a human being. Disrupting sleep can have effects as bad as that resulting from torture, which is a clear violation of fundamental rights. That may be equivalent to a procedure of the third degree that is often tried to be explained as a needed investigating method obtain the facts from a criminal engaging in egregious and cold-blooded offences.

### **DOES RIGHT TO SLEEP MEANS THAT A PERSON HAS THE RIGHT TO SLEEP ANYWHERE AND ANYTIME?**

To preserve the fragile health balance required for the life and survival of a human being, sleep is vital for a human being. "Sleep is, therefore, a fundamental and basic requirement without which the existence of life itself would be in peril" the court stated. The subconscious becomes disoriented whenever this sleep is disrupted, and it disrupts the rhythm of wellbeing. But no citizen may say that sleeping was his basic right. There is no question that when a proper time, location and way sleeping does not violate any constitutional provision, a person can claim his right to sleep, that does not mean that a person can sleep in the premises of the parliament or the supreme court claiming that it's his right. Right to sleep just like any other right is always subject to reasonable restrictions.

### **'SUO MOTU' RESCUE TO PROTECT FUNDAMENTAL RIGHTS**

Remembering the words of Niemoller, "When they arrested my neighbour I did not protest! when they arrested men and women in opposite houses I did not protest!! when they finally came for me, there was no body left to protest....", the suo moto initiative by the apex court in the case of giving right to sleep the status of fundamental right is praise worthy.

#### ***The most popular case in the domain of Right to Sleep***

In the field of the right to sleep, the most important case is the case of Ramlila Maidan<sup>xxii</sup>, which affirmed the value of the right and recognised it in the Indian legal system as a fundamental right. In the present event, in February 2011, Baba Ramdev organised a rally to

raise voice against black money and corruption at Ramlila Maidan, and went on a hunger strike on 6 June. At midnight around 12:30 a.m., the camps were besieged by a large contingent of around more than a thousand police officers, when everyone was easily sleeping inside, forcefully awakened by the authorities and violently attacked. The police came with a supporting argument that their actions were given authority by section 144 of the Cr. P. C., though it was later proved to be a malice.

The supreme court took suo moto awareness of newspaper accounts demonstrating the violence of police with Ramdev's disciples when they were asleep, and passed the judgement. An individual cannot be believed to have engaged in an illegal activity while sleeping, according to the Court. Justice Chauhan opined as, "To presume that a person was scheming to disrupt public peace while asleep would be unjust and would be entering into the dreams of that person. I am bewildered to find out as to how such declaration of the intention to impose the prohibition was affected on a sleeping crowd." The apex court in the case of Ramlila Maidan, extended the scope of the right of life so as to include the right to sleep of a person into it. Supreme court, which recognised it to be a fundamental right, stated "Sleep is essential for a human being to maintain the delicate balance of health necessary for its very existence and survival. Sleep is, therefore, a fundamental and basic requirement without which the existence of life itself would be in peril".

### ***Criticism of the Judgement***

While talking about "Jurisprudence of Constitutional System", S.H.Kapadia, the former Chief Justice of India, made strong locus to one of the judgements of the nation's apex Court in the Ramlila Maidan case, declaring a basic right to "right to sleep. He said "Now, we have included right to sleep, where are we going? It is not a criticism. Is it capable of being enforced? When you expand the right, the judge must explore the enforceability. Questions which judges must ask are if it is capable of being enforced. Judges must apply enforceability test. Today, if a judge proposes a policy matter, government says we are not going to follow. Are you going by way of contempt or implement it?". He raised questions like what if the executive fails to comply with the orders of the judiciary that are not practically enforceable. "Right to life, we have said, includes environmental protection, right to live with dignity. Judges should not govern this country. We need to go by strict principle. Whenever you lay down a law, it should not interfere with governance. We are not accountable to people. Objectivity, certainty



enshrined in the basic principles of the Constitution has to be given weightage.”, the former justice said. He wants the jurists to observe the basic rules that have specifically distinguished the division of powers between the courts, the legislature and the executive.<sup>xxiii</sup>

The views must be taken as personal, with due regard to the justice. The statements like “Whenever you lay down a law, it should not interfere with governance. We are not accountable to people,” -is unsustainable. Except in the cases where there is/are (a) a breach of the rule of law, (b) ultravires power conferred by legislation, (c) abuse of the constitutional and universal human rights, and (d) the core principles of the Constitution are strayed, the Court is required to deal with governance. The Constitutional ideals envisage an interpretative role for judicial action and vigilant involvement to safeguard our constitution. Courts are therefore responsible, but not specifically, to persons. If, even on unscrupulous values, decisions are given solely to benefit a regime in control, there would be severe repercussions.

### ***Other cases that established Right to Sleep to be a Fundamental Right***

Apart from the Ram Lila Maidan case that stood as a milestone judgement in establishing the right to sleep, there are many other cases that paved the way for this establishment. Looking at some of these cases would help us understand the judicial interpretation of right to sleep so that we get a broader view of the subject. Listed below are the extracts from judgements of different cases which help us understand the way paved for the establishment of right to sleep in terms of being a fundamental right.

### ***Kharak Singh v. State of U.P. & Others***<sup>xxiv</sup>

“13. We have already extracted a passage from the judgment of Field, J. in *Munn v. Illinois* (1), where the learned judge pointed out that life in the 5th and 14th Amendments of the U. S. Constitution corresponding to Art. 21, means not merely the right to the continuance of a person's animal existence, but a right to the possession of each of his organs-his arms and legs etc. We do not entertain any doubt that the word life in Art. 21 bears the same signification. Is then the word personal liberty to be construed as excluding from its purview an invasion on the part (1) (1877) 94 U.S. 113,142. of the police of the sanctity of a man's home and an intrusion into his personal security and his right to sleep which is the normal comfort and a dire necessity for human existence even as an animal? It might not be inappropriate to refer here to the words of the preamble the Constitution that it is designed to assure the dignity of the individual and

therefore of those cherished human value as the means of ensuring his full development and evolution.”

***Moulana Mufti Syed Md. Noorur Rehman Barkati and others v. State of West Bengal***<sup>xxv</sup>

“15. Under our Constitution, people have a right to sleep and leisure.”

“17. Right to sleep is not only a fundamental right, it is to be considered as a basic human right.”

***Burrabazar Fire Works Dealers Association v. Commissioner of Police, Calcutta***<sup>xxvi</sup>

“61. But under Article 19(1)(a), read with Article 21 of the Constitution of India, the citizens have a right of a decent environment and they have a right to live peacefully, right to sleep at night and to have a right to leisure which are all necessary ingredients of the right to life guaranteed under Article 21 of the Constitution.”

***Sri Rajendra Prasad Poddar v. Union of India***<sup>xxvii</sup>

“13. A litigant, no doubt, has a right to sleep on his right to sue, and thus to allow it sink into oblivion.”

***Govansh Raksha Abhiyaan-Goa and others v. State of Goa and others***<sup>xxviii</sup>

“176. As observed earlier, even a right to sleep is held as a part of right to privacy which is guaranteed under Article 21 of the Constitution of India.”

***Mohd Sultan v. State of U.P.***<sup>xxix</sup>

“9. The term life as enshrined in Article 21 of the Constitution has received very liberal interpretation at the hands of the Supreme Court, where the Hon'ble Supreme Court has gone to the extent of declaring that even right to sleep is a fundamental right falling within the purview of Article 21 of the Constitution of India.”

***Hardeep Singh v. SDMC***<sup>xxx</sup>

“13. Thus, it is evident that right of privacy and the right to sleep have always been treated to be a fundamental right like a right to breath, to eat, to drink, to blink, etc.....”

***Mahakushal Shaheed Smarak Trust v. State of M.P.***<sup>xxxi</sup>

“23. the Hon'ble Apex Court has held that right to sleep is a fundamental right which has to be read under Article 21 of the Constitution of India which ensures right to life.”

## CONCLUSION

*“Greatness of a bench lies in creativity.”*

– Justice P.N. Bhagwati

The author has come to the view, while focusing on the precedents discussed till now, that right to sleep, while not expressly alluded to in our constitution, forms part of the constitutional right to life according to Article 21. As discussed above, sleep is an integral part of life leading a balanced life, thus, the right to life requires the right to sleep under its umbrella. A conclusion can be made where, in the event of violation of the right to sleep, statutory guarantees for violations of the right to life can be taken up. The suo moto action taken in the Ramlila Maiden case by the Supreme court is a mention worthy step put forward by the judiciary in this process.

No right ever is absolute and is always subject to certain restriction and most importantly should not be enjoyed at the cost of another's right. The aspects of Article 21 still move forward to introduce new dominions and the Indian judiciary is continuously working on them. A definition of "living" guaranteed under our constitution remains inexhaustible and the various aspects which are now being included under this fundamental right by the judiciary are evidence of this reality. However, one of the disadvantages of Article 21 may be its scope, although it also acts paradoxically as an asset. Thus, Article 21 should, at its very nature, be left with broad ingredients for further interpretation by the judiciary.

## LIST OF CASES

- I. *Re-Ramlila Maidan Incident Dt. 4/5.06.2011 vs Home Secretary and Ors*, (2012) 5 SCC 1.
- II. *State Of West Bengal v. Committee for Protection of Democratic Rights*, (2010) 3 SCC 571.
- III. *Unni Krishnan v. State of Andhra Pradesh*, (1993) 1 SCC 645.
- IV. *Clark v. Community for Creative Non-Violence*, 468 U.S. 288 (1982).
- V. *Varga and Others v. Hungary*, [2015] ECHR 422.
- VI. *Burrabazar Fire Works Dealers Association & Ors. V. The Commissioner of Police & Ors* AIR 1998 CAL 1210.
- VII. *Kharak Singh v. State of U.P. & Others*, 1964 SCR (1) 332.
- VIII. *Moulana Mufti Syed Md. Noorur Rehman Barkati and others v. State of West Bengal*, AIR 1999 Cal 15.
- IX. *Burrabazar Fire Works Dealers Association v. Commissioner of Police, Calcutta*, AIR 1998 Cal 121.
- X. *Sri Rajendra Prasad Poddar v. Union Of India*, (2003) 1 SLR 713 (DB).
- XI. *Govansh Raksha Abhiyaan-Goa and others v. State of Goa and others*, (2016) 5 Mah LJ 750.
- XII. *Mohd Sultan v. State of U.P.*, (2014) 103 ALR 538.
- XIII. *Hardeep Singh v. SDMC*, 2018 SCC NGT 108.
- XIV. *Mahakushal Shaheed Smarak Trust v. State of M.P*, 2013 SCC NGT 3159.

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8. PTI, *CJI ridicules 'Right to Sleep', says judges should not govern nation*, THE TIMES OF INDIA, Aug. 25, 2012, <https://timesofindia.indiatimes.com/india/CJI-Judges-should-not-rule-nation-ridicules-right-to-sleep/articleshow/15686770.cms>.
9. G.A. Res., *Universal Declaration of Human Rights* (Dec. 10, 1948).
10. United Nation’s *International Covenant on Civil and Political Rights* art. 17.
11. *European Convention for the Protection of Human Rights and Fundamental Freedoms*, Nov. 04, 1950, ETS No. 005.
12. M.P. Jain, *Indian Constitutional Law* 1158 (Lexis Nexis, 7th ed. 2017).



## ENDNOTES

- <sup>i</sup> *Re-Ramlila Maidan Incident Dt. 4/5.06.2011 vs Home Secretary and Ors*, (2012) 5 SCC 1.
- <sup>ii</sup> Das Annesha, *A Case Analysis on the Ram Lila Maidan Incident*, SUP. CT. REV, <https://ssrn.com/abstract=2401499>.
- <sup>iii</sup> INDIA CONST. art. 21.
- <sup>iv</sup> Jonathan weyes, *Court rules a goodnight sleep a human right*, Breaking News (Oct. 02, 2001), <https://www.breakingnews.ie/business/court-rules-a-good-nights-sleep-is-a-human-right-25335.html>.
- <sup>v</sup> Kanchan Yadav, *'Right to Sleep as a Fundamental Right An Analysis vis-à-vis the Ramlila Maidan Case'*, 3 IJLMH 245, 253 (2020).
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- <sup>viii</sup> *State Of West Bengal v. Committee for Protection of Democratic Rights*, (2010) 3 SCC 571.
- <sup>ix</sup> *Unni Krishnan v. State of Andhra Pradesh*, (1993) 1 SCC 645.
- <sup>x</sup> M.P. Jain, *Indian Constitutional Law* 1158 (Lexis Nexis, 7th ed. 2017).
- <sup>xi</sup> INDIA CONST. art. 19, § 1, cl. a.
- <sup>xii</sup> INDIA CONST. art. 21.
- <sup>xiii</sup> *Supra* note 7, at 7.
- <sup>xiv</sup> G.A. Res., *Universal Declaration of Human Rights* (Dec. 10, 1948).
- <sup>xv</sup> *United Nation's International Covenant on Civil and Political Rights* art. 17.
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- <sup>xvii</sup> *Clark v. Community for Creative Non-Violence*, 468 U.S. 288 (1982).
- <sup>xviii</sup> *Varga and Others v. Hungary*, [2015] ECHR 422.
- <sup>xix</sup> *Convention for the Protection of Human Rights and Fundamental Freedoms*, Jun. 01, 2010, Rome, 4.XI. 1950.
- <sup>xx</sup> *Burrabazar Fire Works Dealers Association & Ors. V. The Commissioner of Police & Ors* AIR 1998 CAL 1210.
- <sup>xxi</sup> *Ibid.*
- <sup>xxii</sup> *Supra* note 7, at 7.
- <sup>xxiii</sup> PTI, *CJI ridicules 'Right to Sleep', says judges should not govern nation*, THE TIMES OF INDIA, Aug. 25, 2012, <https://timesofindia.indiatimes.com/india/CJI-Judges-should-not-rule-nation-ridicules-right-to-sleep/articleshow/15686770.cms>.
- <sup>xxiv</sup> *Kharak Singh v. State of U.P. & Others*, 1964 SCR (1) 332.
- <sup>xxv</sup> *Moulana Mufti Syed Md. Noorur Rehman Barkati and others v. State of West Bengal*, AIR 1999 Cal 15.
- <sup>xxvi</sup> *Burrabazar Fire Works Dealers Association v. Commissioner of Police, Calcutta*, AIR 1998 Cal 121.
- <sup>xxvii</sup> *Sri Rajendra Prasad Poddar v. Union Of India*, (2003) 1 SLR 713 (DB).
- <sup>xxviii</sup> *Govansh Raksha Abhiyaan-Goa and others v. State of Goa and others*, (2016) 5 Mah LJ 750.
- <sup>xxix</sup> *Mohd Sultan v. State of U.P.*, (2014) 103 ALR 538.
- <sup>xxx</sup> *Hardeep Singh v. SDMC*, 2018 SCC NGT 108.
- <sup>xxxi</sup> *Mahakushal Shaheed Smarak Trust v. State of M.P.*, 2013 SCC NGT 3159.