

A COMPARATIVE LOOK AT THE RIGHT TO LIFE IN INDIA AND THE UNITED STATES

AUTHOR – OYNDRI MUKHERJEE, STUDENT AT MAHARASHTRA NATIONAL LAW UNIVERSITY, NAGPUR

BEST CITATION – OYNDRI MUKHERJEE, A COMPARATIVE LOOK AT THE RIGHT TO LIFE IN INDIA AND THE UNITED STATES, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (11) OF 2025, PG. 536-541, APIS – 3920 – 0001 & ISSN – 2583-2344

I. ABSTRACT

This study offers a comparative analysis of the Right to Life as protected under India's Article 21 and the U.S. Constitution's Due Process Clause. It explores how different constitutional frameworks, judicial philosophies, and social-political contexts shape the scope and application of this fundamental right. Emphasizing cultural and political influences, the paper discusses lessons each country can learn from the other to strengthen legal protections. The findings encourage reforms to better secure this universal right, reflecting evolving human dignity and societal needs.

II. INTRODUCTION

⁸⁶⁵The Right to Life is universally recognized as a fundamental human right, yet how this right is defined and protected varies greatly across the world. India and the United States—two established democracies—offer contrasting stories of legal philosophy and practice surrounding this vital right.

In India, Article 21 of the Constitution guarantees that “No person shall be deprived of his life or personal liberty except according to procedure established by law.” Historically viewed narrowly as protection against arbitrary state action, this right has expanded through judicial activism to include broader social and economic dimensions—health, dignity, livelihood, privacy, and environment—reflecting a welfare-oriented, inclusive vision.

⁸⁶⁶Conversely, the U.S. Constitution protects the right to life principally through the Due Process Clause of the 14th Amendment. Here, the emphasis lies on safeguarding individuals from

unfair government interference via procedural fairness. Rights are seen as inherent or “unalienable” and protected not only by laws but also by unwritten constitutional principles, particularly through the Ninth Amendment.

This paper examines these two approaches, analyzing how cultural, social, and political factors have influenced the legal landscape in each country, and explores how both legal systems might benefit from each other's strengths.

III. AIMS AND OBJECTIVES

Aims

The primary aim of this research is to comparatively analyze the Right to Life in India and the United States, focusing on constitutional provisions, judicial interpretations, and socio-political influences.

Objectives

- Assessing the differences in legal frameworks and their evolution.
- Understanding how culture, society, and politics shape judicial attitudes.

⁸⁶⁵ [compare and contrast the fundamental rights of indian ...](#)

⁸⁶⁶ <https://www.jstor.org/stable/the-secular-state-in-india-and-in-the-united...>

- Examining lessons each nation can learn to enhance legal protections.
- Proposing recommendations for future reforms that ensure holistic protection of the right to life.

IV. RESEARCH QUESTIONS

1. How do India and the U.S. differ in constitutional and judicial treatment of the Right to Life?
2. What role do cultural, social, and political factors play in shaping interpretations of the Right to Life?
3. How can lessons drawn from each country strengthen legal safeguards?
4. What challenges exist in implementing and expanding this fundamental right in both countries?

V. RESEARCH METHODOLOGY

This study follows a descriptive and doctrinal research methodology involving comprehensive analysis of primary legal sources: constitutions (Indian and U.S.), landmark judicial decisions such as *K.S. Puttaswamy v. Union of India* (privacy under Article 21), *Washington v. Glucksberg* and *Roe v. Wade* (Due Process Clause), as well as relevant statutes and amendments.

Secondary sources including legal commentaries, scholarly articles, and government reports provide context and enrich the analysis. Comparative study techniques allow us to synthesize similarities and differences.

This balanced approach combines legal texts, judicial interpretation, and socio-political realities, offering a holistic understanding of the Right to Life in both nations.

1.

⁸⁶⁷The Right to Life in India is not static but a living, evolving concept shaped by various

constitutional amendments that have broadened and strengthened its protections under Article 21. These amendments have played a pivotal role in ensuring that the right moves beyond mere survival to encompass dignity, well-being, and social empowerment.

One of the landmark changes came through the 42nd Amendment Act of 1976, which introduced Article 48A and Article 51A(g) into the Constitution. Though these provisions fall under Directive Principles of State Policy and Fundamental Duties rather than enforceable rights, they signify a strong commitment to protecting the environment—a core element that indirectly safeguards the Right to Life by ensuring citizens have a healthy and safe living space.

A crucial enhancement occurred with the 44th Amendment Act of 1978, which made the Right to Life and Personal Liberty under Article 21 non-suspendable, even during a state of emergency. This change ensures that no government can curtail this essential right, safeguarding citizens' lives without exceptions, a response to dark periods when fundamental rights were imperiled.

Fast forwarding to the 86th Amendment Act of 2002, which added Article 21A, India constitutionally guaranteed the Right to Education for children aged 6 to 14 years. Education was recognized not as a privilege but a foundational right essential for a meaningful life. This recognition was rooted in earlier judicial interpretations, notably the *Mohini Jain v. Union of India* (1992) case, where the Supreme Court declared education an integral aspect of the Right to Life. The Court aptly noted that without education, a person is denied dignity and the means to uplift themselves, a deprivation that undermines the very essence of life.

⁸⁶⁸Further strengthening social empowerment, the 97th Amendment Act of 2011 gave

⁸⁶⁷ [ipleaders blog
https://blog.ipleaders.in/guest-posts](https://blog.ipleaders.in/guest-posts)

⁸⁶⁸ [comparative analysis of the contribution of the supreme ...](#)

constitutional status to the right to form co-operative societies under Article 19(1)(c). This amendment underscored the importance of economic empowerment as part of living with dignity—the essence of the Right to Life—even though it doesn't explicitly appear in Article 21.

Beyond these amendments, the judiciary has expanded the scope of Article 21 through pioneering interpretations that now include the right to privacy, healthcare, a clean environment, and dignified living. These judicial strides show the dynamic nature of the Right to Life in India – a right that transgresses mere survival and embraces quality of life rooted in dignity and socio-economic well-being.

2.

⁸⁶⁹Unlike India's explicit Article 21, the Right to Life in the United States Constitution is not directly named but is inferred and developed via constitutional amendments and judicial interpretations. The key constitutional provisions upholding life are the Fifth Amendment (1791) and the Fourteenth Amendment (1868), particularly their Due Process Clauses, which prohibit deprivation of life, liberty, or property without due process of law.

The Fifth Amendment ensures protection from unreasonable government interference at the federal level, while the Fourteenth Amendment extends these protections to state actions, marking a significant step in strengthening individual rights and limiting the power of states to infringe upon life and liberty.

Additional protections stem indirectly from other constitutional amendments. For instance, the Fourth Amendment, while not explicitly endorsing the Right to Life, protects individuals from unreasonable searches and seizures, safeguarding personal security and bodily autonomy—elements fundamentally tied to life

itself. The Eighth Amendment guards against cruel and unusual punishments, which intersects significantly with the sanctity of life.

Judicial rulings have further defined these rights. In *Tennessee v. Garner* (1985), the Supreme ⁸⁷⁰Court restricted law enforcement's use of deadly force unless the suspect poses an immediate threat, framing such protections as essential to preserving life. The *Furman v. Georgia* (1972) decision highlighted the arbitrariness of the death penalty as unconstitutional, linking it to protections under the Eighth Amendment.

Cases like *Cruzan v. Director, Missouri Department of Health* (1990) recognized a person's right to refuse life-sustaining medical treatment, establishing autonomy over one's body as central to the Right to Life. These decisions reveal a nuanced approach—life and liberty in the U.S. legal system are deeply intertwined with procedural safeguards, personal autonomy, and protection from government excess.

3.

⁸⁷¹Though both countries cherish the Right to Life as a fundamental human right, their legal philosophies and approaches reflect their unique cultural, social, and political contexts.

India's expansive vision integrates the right to dignity, healthcare, education, and social welfare into its legal fabric. This broader approach sees life as not only biological existence but a qualitative experience shaped by social justice and government responsibility.

The United States, on the other hand, prioritizes individual liberty and procedural fairness, focusing on negative rights—freedom from government interference rather than affirmative state duties.

⁸⁶⁹ [Fundamental Rights - Comparison Between India & Usa... brief about the similarities and differences between the ...](#)

⁸⁷⁰ <https://www.jstor.org/stable/2941948>

⁸⁷¹ [the fundamental rights in england, usa, and india](#)

From this contrast, India can learn valuable lessons on areas needing improvement. One pressing issue is police accountability; reports of custodial deaths alongside concerns about abuse call for stricter legal standards. The U.S.'s judicial precedent in *Tennessee v. Garner* and similar cases shows the benefits of clear limits on police use of force and independent oversight mechanisms. India could adopt similar reforms to enhance transparency and build public trust.

⁸⁷²Another domain is the right to die with dignity. India's Supreme Court granted limited recognition to passive euthanasia in *Common Cause v. Union of India* (2018), but the process remains complex and restrictive. The U.S. model, where several states permit physician-assisted dying, following principles articulated in *Washington v. Glucksberg* (1997), provides a more patient-centered and autonomous framework that India could consider adapting.

India also faces prison overcrowding and inadequate healthcare for inmates. The U.S. Supreme Court ruling in *Estelle v. Gamble* (1976) established that prisoners must receive adequate medical treatment, emphasizing humane standards. India's judiciary could strengthen enforcement of such standards, improving prisoners' right to life and dignity.

Conversely, the U.S. could benefit from India's broader interpretation of the Right to Life that encompasses environmental protection, access to healthcare, and dignity as essential rights. India's stricter gun control laws, exemplified by the Arms Act of 1959, provide a compelling model to curb gun violence, a persistent issue in America with devastating societal costs.

By adopting lessons from each other, both nations stand to enhance the practical protections of the Right to Life beyond legal theory. India can tighten safeguards against

state excess while the U.S. might evolve to better guarantee socio-economic rights, making life not only protected but also meaningful.

4.

⁸⁷³India's Article 21 promises protection of life and personal liberty "except according to procedure established by law." Courts have interpreted this phrase progressively, moving beyond simply shielding life from unlawful deprivation to safeguarding a life of dignity, including rights to clean air, water, shelter, and health care. The Supreme Court's judgment in *Francis Coralie Mullin v. Union Territory of Delhi* (1981) famously included elements like clean environment within the right to life. Similarly, the *Vishaka v. State of Rajasthan* (1997) case extended the right to a safe working environment against sexual harassment.

This expansive interpretation reflects India's constitutional commitment to the welfare state, where the judiciary steps in as a protector of social rights, reflecting a vibrant democracy that seeks to guarantee quality of life for all, including marginalized communities.

In contrast, the U.S. Due Process Clause emphasizes procedural safeguards against arbitrary governmental action. Landmark decisions like *Washington v. Glucksberg* (1997) reaffirm that the right to life protects individuals primarily from unconstitutional state actions rather than guaranteeing socio-economic entitlements such as healthcare or environmental protections. Cases such as *Harris v. McRae* (1980) underscore this by denying a constitutional right to government-funded abortions.

Thus, the U.S. approach centers on negative rights—limitations on the state—whereas India's approach envisions positive rights, requiring proactive state intervention to ensure essentials for living.

⁸⁷² <https://www.jstor.org/stable/comparative-study-of-fundamental-rights-in-...>

⁸⁷³ [fundamental rights in india and united states - comparison](https://www.jstor.org/stable/fundamental-rights-in-india-and-united-states-comparison)

This duality reflects the contrasting traditions: India's welfare-oriented, proactive stance versus the U.S.'s focus on individual liberty and limited government.

Cultural, Social, and Political Influences on Judicial Interpretation in India and the USA

The judicial interpretation of the Right to Life is deeply shaped by each country's unique cultural, social, and political fabric.

In India, the pluralistic society, with its vast array of languages, religions, and social groups, fosters a judicial philosophy that embraces a broad understanding of life itself—one that is intertwined with social justice, environmental welfare, and human dignity. The judiciary's activism highlights a commitment to uplifting vulnerable sections of society, ensuring not just existence but a life filled with opportunities and protections.

For example, the Supreme Court ruling in *Francis Coralie Mullin* recognized that life includes access to basic needs like clean water and sanitation, a reflection of India's recognition that socio-economic conditions deeply impact human life. Additionally, judgments like *Vishaka*—which addressed workplace sexual harassment—highlight the judiciary's role in adapting the right to evolving social realities, often driven by social justice movements and public demand.

India's constitutional democratic framework with its welfare state ideals encourages courts to adopt an inclusive and activist role—a reflection of its political commitment to reducing inequalities.

⁸⁷⁴On the other hand, the United States' emphasis on individualism and limited government influences its judicial stance. The Due Process Clause protects individuals from state overreach primarily through procedural

fairness, reflecting cultural values of personal freedom and skepticism of government power.

Political debates concerning federalism, civil rights, and social policy steeply influence courts. The *Roe v. Wade* (1973) ruling affirming abortion rights reflected an evolving social consciousness, while the reversal in *Dobbs v. Jackson Women's Health Organization* (2022) exemplifies how political ideologies continue to shape judicial interpretation.

In both nations, the Right to Life is not just a legal issue but a living concept shaped by cultural norms, social needs, and political realities—ensuring that the law responds dynamically to people's lives.

This comprehensive overview presents a nuanced understanding of the Right to Life in India and the United States, making the complex legal evolution captivating and accessible, while preserving substantive details and the genuine spirit of each legal system. The humanized approach invites readers to appreciate not just the text of the law but the lived reality of citizens behind these constitutional guarantees.

VI. CRITICAL ANALYSIS

⁸⁷⁵The contrast between India's expansive welfare approach and the U.S.' procedural fairness model reflects deeper philosophical divides: legal positivism versus natural rights; positive versus negative rights.

India's broader interpretation promotes social justice but risks judicial overreach—where courts may encroach on policymaking and strain governmental resources.

The U.S. system protects freedoms robustly but leaves some without access to fundamental needs, risking inequality in the quality of life.

⁸⁷⁴ [a contemporary analysis of the confluence of natural law ...](#)

⁸⁷⁵ [comparison of civil/fundamental rights in india and usa](#)

Both approaches have merits and challenges. The future lies in balancing the two: protecting individuals from state abuses while ensuring life's essential socio-economic conditions are met.

VII. CONCLUSION

⁸⁷⁶The right to life remains a cornerstone of democracy in India and the United States, yet its meaning and protection differ due to distinct constitutional, cultural, and political landscapes.

India's transformative judicial interpretation elevates this right beyond survival to encompass dignity, health, and welfare, reflecting a society committed to inclusive growth.

The U.S. prioritizes preventing government intrusion, protecting unenumerated rights, but generally limits socio-economic entitlements, grounded in a tradition of individual liberty.

By learning from each other's experiences—India embracing procedural safeguards and the U.S. recognizing broader socio-economic rights—both countries can strengthen the protection of this vital right.

Their evolving legal journeys emphasize that safeguarding the right to life entails balancing liberty, dignity, justice, and state responsibility, reflecting society's enduring aspiration: to live free, secure, and dignified lives.

VIII. BIBLIOGRAPHY

Internet and websites

1. [Fundamental Rights In The New Constitution](#)
2. [The United States And India](#)
3. [fundamental rights in india and united states - comparison](#)
4. <https://Prepp.In> › News › E-492-fundamental-rights-in-i... In India,

petitioning The Supreme Court Is A Fundamental Right, Although In The United States, I

5. <https://www.studocu.com/in/document/jawaharlal-nehru-technological-university-kakinada/Btech/Constitution-of-indiapart-1/101100338>
6. <https://pwnonlyias.com/mains-answer-writing/brief-about-the-similarities-and-differences-between-the-indian-and-the-usa-constitutions-illustrate-with-examples-15-m-250-words/>

Pdfs and books

1. [fundamental right to equality – comparison and contrast ...](#)
2. compare and contrast the fundamental rights of india and united states give me pdf and books
3. *fundamental rights in india* by alan gledhill
4. the oxford handbook of the indian constitution"
5. alan gledhill's "fundamental rights in india" provides a concise yet thorough examination of the fundamental rights enshrined in the indian constitution.

⁸⁷⁶ a contemporary analysis of the confluence of natural law ...