
COMPARATIVE CONSTITUTIONAL LAW ANALYTICAL APPROACH: RIGHT TO LIFE AND PERSONAL LIBERTY

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1. INTRODUCTION

Constitution is a supreme law of land it is the fundamental set of rules and regulation that define how a country is governed¹ it outlines the structure and powers of the government establishes the rights and duties of the citizens. It can be unwritten and unwritten form.

ARISTOTLE:² He defined constitution as a constitution *politeia* as the arrangement or organisation of the offices and citizens with in a city state *polis* determining who holds the sovereign power and the purpose of the government.

Comparative constitutional³ law It is a field of legal study that analyses and compare the constitutions of different countries to understand and interpret the differences, similarities and overall effectiveness. It examines how different countries organize their government, power, etc., and how they distribute powers and how they protect basic rights of citizens. All of these are studied by different scholars and jurists. It focuses on the basic structure and principles and practices found in different constitution of the world. This methodology⁴ involves analysing and contrasting constitutional texts court decisions and other relevant legal material to identify variation. The scope of constitution will be different from each other and some provisions may be similar or may be different it includes following like Fundamental rights and Fundamental duties and Directive principles of state policy and Separation of powers and Amendment The following are some of the areas of importance of comparative constitutional⁵ law they are Helps in policy making and Promoting democracy and Cross culture and diverse thoughts and Enhances understanding.

¹ Introduction to the Study of the Law of the Constitution (Macmillan 1885).

² Aristotle, Politics bk. III (Benjamin Jowett trans., Oxford Univ. Press 1885)

³ Comparative Constitutional Law (2d ed., Foundation Press 2018)

⁴ Vicki C. Jackson, Comparative Constitutional Law Methodology, in The Oxford Handbook of Comparative Constitutional Law (Michel Rosenfeld & András Sajó eds., Oxford Univ. Press 2012).

⁵ Comparative Matters: The Renaissance of Comparative Constitutional Law (Oxford Univ. Press 2014)

Analytical approach in the is a systematic and logical method of solving complex problem by breaking them down into smaller manageable parts It uses the data and evidence and critical thinking to identify the causes patterns and trends to reach a well-founded solution. It is also called a systematic analysis logical framework. And descriptive analysis and content analysis and factor analysis are some of the examples of analytical approaches.

2. RESEARCH DESIGN

2.1 RESEARCH PROBLEM

1.This Research Methodology in comparative constitutional law is a very vast concept and it had many problems like different countries have different constitutions and it is hard to compare the whole constitutions of the countries.

2. On other hand, we cannot get accurate information from the sources also. And when we focus on one single provision like right to life and personal liberty has different meanings in India it includes privacy environment dignity etc. in the US constitution, Liberty is tied to due process of law.

3.The judiciary keeps on expanding it we can't enough information and government frequently restricts the liberty so these are all barriers of getting information. These are some problems related to my research which I found.

2.2 RESEARCH OBJECTIVES

1. To understand the importance of right to life and personal liberty and the famous landmark judgment related to it.

2. To examine how the right to life and personal liberty is been interpret in United States of America and United Kingdom compared to India.

3. To understand the meaning of judicial Activism and how it shows the impact on the expanding the scope of right to life and personal liberty compared between India and United States of America and United Kingdom.

2.3 RESEARCH QUESTIONS

1. what is the scope of right to life and personal liberty and what are the famous and important judgements related to this article?

2 Do United Kingdom and United States of America both have the provision of right to life and liberty if yes how they are different or similar to India?

3. What is the meaning of judicial Activism and impact of judicial Activism on expanding the scope of right to life and personal liberty. Compare with other countries?

2.4 RESEARCH METHODOLOGY

This research has used the doctrinal method of research for this paper. sources have been thoroughly read and analysed for the paper sources include journals research papers, articles, case laws and other articles. From these sources, I extracted some important concepts and some of them mentioned in literature Review.

3. LITERATURE REVIEW

1. THE OXFORD HANDBOOK OF COMPARATIVE CONSTITUTIONAL LAW by Vicki C.

In the book, “THE OXFORD HANDBOOK OF COMPARATIVE CONSTITUTIONAL LAW”, In the chapter 2 named “Comparative Constitutional Law Methodology” written by Vicki C. Jackson.⁶ whose objective is to compare the provision of different countries constitution like liberty, life etc., and also different judgement. From this book, we can infer the comparison of article of 21 in different constitution by the author. My research paper compares the right to life and personal liberty in UK, US, INDIA as in this book also author compared in different constitution.

2. COMPARATIVE MATTERS THE RENAISSANCE OF COMPARATIVE CONSTITUTIONAL LAW by Ran Hirschl

In the book of “COMPARATIVE MATTERS THE RENAISSANCE OF COMPARATIVE CONSTITUTIONAL LAW” written by ran Hirschl. ⁷The objective of this is why comparing

⁶ Vicki C. Jackson, Comparative Constitutional Law Methodology, in *The Oxford Handbook of Comparative Constitutional Law* 54 (Michel Rosenfeld & András Sajó eds., Oxford University Press 2012).

⁷ Ran Hirschl, *Comparative Matters: The Renaissance of Comparative Constitutional Law* (Oxford University

constitution needed it also include history political science sociology. This book concluded that comparative constitutional law does not only involve texts but also helps in understanding how it works. law is now a very strong and growing field.

3. Critical Legal Studies and Comparative Constitutional by Bonemann Laura Jung

In the article “Critical Legal Studies and Comparative Constitutional” written by Maxim Bonemann Laura Jung⁸ and published by Max Franck encyclopaedia of comparative constitutional law Oxford University. The objectives to explore the clash between the critical legal studies and comparative law it focuses on critical approach through feminism etc., It highlighted methodological critiques of legal knowledge and importance of recognizing bias etc.,

4. Comparison of Judicial Activism in India UK and USA by Neha Sager

In the article Comparison of Judicial Activism in India UK and USA which is written by Neha Sager⁹ student of IILM University Greater Noida India. The objectives are to examine how the judicial activism works in US, UK and India. And how the decisions impact on the citizens’ rights. The author concluded that the judicial activism had essential role and it protected people rights from public policy. There should be balance between judiciary and legislation, this paper relates to my research Objectives on judicial activism.

5. The Right to Life: A Comparative Study of Federal Republic of Nigeria and the Republic of Ghana and The Republic of Kenya by Mr. JA Adeyemi

In article “The Right to life: A Comparative study of federal republic of Nigeria and The Republic of Ghana and The Republic of Kenya” written by Mr JA Adeyemi¹⁰ it is published in the AUN journal of law vol 1. The objectives to comparatively analyse the right to life in the 3 countries and how it was protected by its legal framework on rights like death penalty suicide abortion euthanasia. compared these rights of the 3 countries with the international

Press 2014).

⁸ Maxim Bönemann & Laura Jung, Critical Legal Studies and Comparative Constitutional Law, in Max Planck Encyclopedia of Comparative Constitutional Law (Oxford University Press 2017).

⁹ Neha Sager, Comparison of Judicial Activism in India, UK and USA (unpublished student paper, IILM University, Greater Noida).

J. A. Adeyemi, The Right to Life: A Comparative Study of Nigeria, Ghana and Kenya, 1 AUN Journal of Law (2018)¹⁰

human rights this paper relates to my paper as it helped giving ideas for comparing.

6. Comparative Constitutional Law in a Global Age by Ruti Teitel

In the research paper titled *Comparative Constitutional Law in a Global Age* which is written by Ruti Teitel¹¹ the main objective includes to explain why courts and legal scholars across the world are increasingly looking at foreign constitutions and international law while deciding constitutional issues. whether existing methods of comparative constitutional law truly reflect really political and social conditions. The author concludes that comparative constitutional law is important in today's interconnected world, but it cannot be applied mechanically. Simply comparing legal rules is not enough. Instead, courts must consider history, politics, and social realities and engage in meaningful dialogue with other legal systems.

7. Liberty in the Due Process Clause of the Fifth and Fourteenth Amendments

In the research paper titled *Liberty in the Due Process Clause of the Fifth and Fourteenth Amendments*¹² The objective of this paper is to examine the meaning and scope of "liberty" under the Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution. And to know how judicial interpretation has expanded liberty to include personal privacy, and fundamental rights protected against arbitrary state action. The author stated that the concept of liberty under due process is dynamic and evolving. Judicial interpretation has played a crucial role in transforming liberty into a broad constitutional guarantee that safeguards individual dignity and personal choice.

8. Article 21: A Comprehensive Journey of Right to Life and Personal Liberty

In the research paper titled *Article 21: A Comprehensive Journey of Right to Life and Personal Liberty*¹³ The objective of this article is to analyse the development of Article 21 of the Indian Constitution and its evolution through judicial interpretation. how the Supreme Court of India has expanded the meaning of the right to life and personal liberty The article concludes that Article 21 has become the heart of fundamental rights in India. Through judicial activism, the Supreme Court has expanded its scope to protect human dignity, freedom, and basic necessities

¹¹ Ruti Teitel, *Comparative Constitutional Law in a Global Age*, 117 *Harvard Law Review* 2570 (2004).

¹² U.S. Const. amends. V & XIV (interpreting liberty under due process clause).

¹³ *Article 21: A Comprehensive Journey of Right to Life and Personal Liberty* (secondary source, Indian constitutional analysis)

of life.

9. Handbook of Human Rights by Thomas Cushman

In the research paper titled Handbook of Human Rights Which is written by Thomas Cushman¹⁴ The main objectives include to provide a understanding of human rights by integrating legal, social, political, and moral perspectives. The book serves as a reference guide for students, researchers, and policymakers by explaining the foundations and practical applications of human rights. This handbook concludes that human rights are not static principles but dynamic norms that evolve with social and political change. It stresses that effective protection of human rights requires not only legal recognition but also social commitment and institutional accountability.

10. Independence of Judiciary, Judicial Activism, and Accountability: India, UK and USA

The article titled “Independence of Judiciary, Judicial Activism, and Accountability: India, UK and USA” is written by Pranav Kumar Jha¹⁵ . The main objectives to understand how judicial independence is protected, how judges can actively interpret laws to protect rights, by comparing India, the United Kingdom, and the United States, the author highlights the strengths and weaknesses of each system. The article concludes that while all three countries value an independent judiciary, each faces unique challenges like India needs greater transparency in appointments, the UK continues to reform its traditional structures, and the US judiciary is often influenced by political factors. ¹⁶

4. ANALYSIS

SCOPE OF ART-21- RIGHT TO LIFE AND PERSONAL LIBERTY

Right to life and personal liberty is a fundamental right which comes under art 21 of the Indian constitution. The scope importance and clause are as follows.

Art-21 Right to life and personal liberty is considered as heart and soul of Indian constitution

¹⁴ Thomas Cushman ed., Handbook of Human Rights (Routledge 2012).

¹⁵ Pranav Kumar Jha, Independence of Judiciary, Judicial Activism, and Accountability: India, UK and USA (comparative constitutional analysis

it ensures that no person shall be deprived of his /her life of personal liberty except according to the procedure established by law. This Right against arbitrary deprivation of liberty.¹⁷ This means that every individual has the right to live no one can take away that right from them except in accordance with the procedure established by the law. It includes the personal liberty of individual which includes liberty of speech, expression, work, move around, start businesses, faith, beliefs, etc. The right to life and personal liberty can be enjoyed by every citizen of India with some reasonable restrictions as per Indian constitution. This right cannot be dismissed even during emergency period also because the 44th Amendment Act states that art 20 and 21 cannot be suspended during emergency. Right to life and personal liberty is considered as mother of all rights. The right to life includes:

1.Right to livelihood.

Right to livelihood is an integral part of right to life art 21 it extended dignified human existence which requires access to work, food, cloth. shelter, and others essential resources the famous case associated with this right is *OLGA TELLIS VS BOMBAY MUNICIPAL CORPORATION 1985*¹⁸ this case is about the people who live on the pavement area and slum workers in 1981 the state of Maharashtra and BMC decided to evict all the pavement and slum dwellers and to be deported to their respective places of origin from where they came then a woman named OLGA TELLIS stood up for these approximately 20 million people later Supreme Court ruled that every individual has the right to livelihood and these actions are violating the individual's right .Section 314 of Bombay Municipal Corporation act 1888 include allows removal of encroachments and pavement without prior notice and the petitioners argued that along with sec 312 ,313 of BMC and art 21 are violated .

2.Right to environment

Right to environment is also integral part of right to life and includes that the human right to live in clean, healthy, safe environment the case associated with this right is *MC MEHTA VS UNION OF INDIA 1986*¹⁹ this is the case took place just one year after the Bhopal gas tragedy. This case is about the leakage of oleum gas which leaked from a company Shriram foods and fertilizer industries in Delhi which caused the death of one person and hospitalization of several

¹⁷ INDIA CONST. art. 21.

¹⁸ *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545 (India).

¹⁹ *M.C. Mehta v. Union of India*, (1987) 1 SCC 395 (India).

people Supreme Court introduced absolute liability and ruled that compensation should be proportional. The foundational principles established in this case have been incorporated into various environmental regulations and statutes including the environmental protection act 1986. The principles of absolute liability have also led to the development of Polluter Pays. This case established core principles under the environment protection act 1986.

3.Right to travel abroad

Right to travel abroad is also integral part of right to life and includes that the individual's liberty should be understood broadly the case associated with this right is *MENEKA GANDHI VS UNION OF INDIA 1978*²⁰ in this case Menka Gandhi a journalist who planned to go to other country for official work purposes She applied for her passport under the Indian Passport Act 1967 The government then impounded her passport later the Supreme Court ruled that every individual has the right to travel abroad and travel to any place in the entire world but some of the restricted areas which need prior permission from the authorities .And Court stated that sec (10)(c) of passport act is void because it violated the art 14 and art 21 of the Indian constitution.

4.Right to die

Right to die with dignity is one of the most important clauses in Article 21 this right is an integral part of right to life and includes that individuals have the right to die and it decriminalized abatement to suicide and later criminalized again but the landmark case associated with this right is *COMMON CAUSE VS UNION OF INDIA 2018*²¹ and in this case Aruna Shanbaug a nurse who is working in king Edward memorial hospital in Mumbai, was raped by her junior and left her in vegetative state after 12 hours of the incident she was admitted in the hospital and this happened to her at the age of 25 later she was in vegetative state where her brain was not functioning except for her eyes she remained in this situation for 42 years where the NGO named Common Cause argued to allow passive euthanasia the Supreme Court ruled and legalized passive euthanasia and permitted the creation of living wills by terminating ill patients. This judgement was recommended as land mark judgement.

²⁰ Maneka Gandhi v. Union of India, (1978) 1 SCC 248 (India).

²¹ Common Cause v. Union of India, (2018) 5 SCC 1 (India).

5. Right to sleep

Right to sleep is also an integral part of right to life includes that individuals have the right to have a peaceful sleep the famous case associated with this right is *RAMLILA MAIDAN INCIDENT VS HOME SECRETARY 2012*²² in this case Ramlila Maidan was given on rent for a yoga training program but later the organizer started hunger strikes in supporting the anti-corruption bill and thousands of people came for yoga but unfortunately they participated in this strike . One day while people are sleeping the police force came into action, using tear gas shells and using lathis indiscriminately and many people got injured and one person died charges were taken on delhi police and here both the right to assemble and sleep were infringed upon so the Supreme Court stated that individuals have the right to sleep as sound sleep is linked to sound health a good amount of sleep makes humans more active and this is not an absolute right but has some reasonable restrictions like place to sleep time of sleep manner of sleep and nobody can engage in unreasonable acts.

6. Right to privacy

Right to privacy is one of the most important rights in Article 21 and fundamental rights, it includes that individuals have the right to privacy This means that no one shall be subjected to interference in their family, work, etc. the most popular case associated with this right is *JUSTICE KS PUTTASWAMY VS UNION OF INDIA 2017* ²³In the case Justice K.S. Puttaswamy a retired High Court judge from Madras and he filed a writ petition related to Aadhaar privacy and Aadhaar laws and later the nine judge bench gave unanimous judgment the Supreme Court ruled that people have the right to privacy but this is not absolute and is subject to limitations.

7. Right to education

Right to education is one of the most important and effective rights of an individual which is secured in Article 21A this includes that every individual is entitled to an education and get good and quality education the famous case associated with this right is *UNNI KRISHNAN VS STATE OF ANDHRA PRADESH 1992*²⁴ in this case the Petitioner filled fill the for it would

²² Ramlila Maidan Incident v. Home Secretary, Union of India, (2012) 5 SCC 1 (India).

²³ K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1 (India).

²⁴ Unni Krishnan v. State of Andhra Pradesh, (1993) 1 SCC 645 (India).

help us for our research filled a petition against the high fees in private universities The Court stated that the right to education is a fundamental right of an individual extends to basic education for all people Later, it paved the way for the 86th Amendment Act and made free and compulsory education to children aged 6-14. Particularly this case became a cornerstone for the right to education in India making a fundamental right and ensuring education for all citizens and it challenged the constitutionality of the state laws that regulate capitation fees in private professional colleges and there should be a committee or authority to monitor and control the fees.

8.Right to be free from adverse climate change

The right to be free from adverse climate change is also a right in right to life this was added very recently to Article 21 of constitution. The case associated with this right is *MK RANJITSINH VS UNION OF INDIA 2024*²⁵ the Supreme Court ruled that individuals have the right to be free from adverse climate change effects and focuses on balancing environmental protection and energy transition, which were not existed before.

9.Right to dignified menstrual health

The right to dignified menstrual health is now part of right to life and personal liberty this was included in Article 21 in January 2025. The case associated with this right is *Dr. Jaya Thakur v. Government of India & Ors.* ²⁶The court stated that access to safe menstrual hygiene management is a component of the right to dignity, equality, and education which made it compulsory to provide menstrual leave and sanitary pads preferably through vending machines and made it compulsory to have good, clean toilets with proper water supply in every school.

All the above-mentioned cases are the landmark judgment which is given by the court to expand the scope of right to life and personal liberty and from this famous case we got many right which were not existed before.

5. COMPARING RIGHT TO LIFE AND PERSONAL LIBERTY OF USA, UK, INDIA

In India, the right to life and personal liberty is a fundamental right and incorporated in Article 21 of part three of Indian constitution. it is not an absolute right but includes some reasonable

²⁵ M.K. Ranjitsinh v. Union of India, (2024) SCC OnLine SC (India).

²⁶ Dr. Jaya Thakur v. Union of India, Writ Petition (Civil) No. ____ of 2024 (India).

restrictions. The right to life and personal liberty in India includes the right to livelihood, privacy, sleep, climate change, travel abroad, education, environment etc. This right is considered the heart and soul of India constitution and the mother of all rights. This right expands over time and the right is protected as a fundamental right by Supreme Court under art 32 and high Court under art 226 of Indian constitution. Personal liberty includes freedom from illegal detention and arbitrary arrest and right to privacy respect and reputation.

In the United States of America (USA) the right to life is not written as an absolute right but it is protected through the due process clauses of the Fifth and Fourteenth Amendments of USA. The Fifth Amendment states that no person shall be deprived of life liberty and property without due process of law ²⁷(1791) which means the federal government cannot take any individual's life without fair process and The Fourteenth Amendment states that no state shall deprive any person's life liberty or property without due process of law and should not deny them the equal protection of law The Fourteenth Amendment includes due process clause protection against arbitrary actions and interpretation of life. The source of the right to life is derived from the Bill of Rights and due process of law means both the law and the procedure must be fair and just.

In the United Kingdom (UK), the right to life is mentioned and safeguarded under Article 2 of human right act 1998 which incorporated the right to life from the European Convention on human rights into domestic law. Article 2 of the UK's human rights framework includes protection from intentional killing duty to safeguard life government accountability and right to an investigation and also abolition of death penalty The scope of the right to life in the UK is not absolute and has some limitations and is always considered in the context of law enforcement and criminal justice and it also includes humane treatment and freedom from torture for humans. As the UK constitution is uncodified, this right is uncodified and it is interpreted by the case laws.²⁸

In the USA, the scope is larger due to expansion by judiciary with more focus on liberty and privacy In India, it is extremely broad and includes privacy, dignity, life, environment etc. In the UK, its scope is not as expansive and the death penalty is abolished in the UK but permitted with due process in the USA and permitted in the rarest of rare cases in India but 'rarest of rare'

²⁷ U.S. CONST. amends. V & XIV.

cannot be clearly defined there are other different also. There are both similarities and differences each country considers the right to life very important and basic right. The right to life and personal liberty is the most recognized right in Indian constitution and constitution of the United States and UK also but it does not have a specific name as it is uncodified.

Comparison table:

	INDIA	UNITED STATES OF AMERICA	UNITED KINGDOM
SOURCE	Right to life and personal liberty is secured in art 21 under fundamental right	Not explicitly written but 5th, 14th Amendments act prohibit depriving personal liberty	right to life is mentioned and safeguarded under Article 2 of human right act 1998
INTREPRETATION	No person shall be deprived of his life or personal liberty except according to procedure established by law	No person shall be deprived of life, liberty, or property, without due process of law.	Everyone's right to life shall be protected by law."
SCOPE	Extremely broad includes dignified life. Death. Privacy, sleep	Scope is broad but more focus on privacy and liberty	Comparatively narrow there is very less scope
LANDMARK JUDGEMENTS	<i>COMMON CAUSE v. UNION OF INDIA 2018</i> <i>KS PUTTASWAMY V. UNION OF INDIA</i>	<i>BROWN v. Board 1954</i> ²⁹ <i>ROE v. WADE 1973</i> ³⁰	<i>Osman v. UK (1998):</i>
DEATH PENALT	Permitted only rarest of rare cases those cases not so defined	Permitted but with only the due process of law.	United Kingdom abolished death penalty totally.

²⁹ Brown v. Board of Education, 347 U.S. 483 (1954).

³⁰ INDIA CONST. art. 21.

6. IMPACT OF JUDICIAL ACTIVISM ON EXPANDING THE SCOPE OF RIGHT TO LIFE AND PERSONAL LIBERTY IN INDIA, USA, UK.

The term judicial Activism was coined by Arthur Schlesinger in 1947 in United States of America it is rooted in the idea of courts influencing policy through their ruling and judgement. The concept of judicial Activism is emerged to describe the judiciary's willingness to invalidate laws to take a more active role in the public policy making. The judicial Activism means active judicial involvement in the process of public policy making This originated in United States of America.

Judicial Activism is a Judicial philosophy where judges allow their personal views to influence their decisions In India, Indian jurists like Justice V.R. Krishna Iyer Justice P.N. Bhagwati and Justice O. Chinnappa Reddy and Justice B.A. Desai are credited with laying the groundwork of the judicial Activism in India and for emphasizing the judiciary's advancing role in social justice and through these jurists, the idea of judicial Activism came into India. And for any country judicial Activism means active participation is very important as it helps in making laws and policies stronger and protect the citizens.

In India Judicial Activism has significantly expanded the right to life under Article 21 and personal liberty by interpreting art 21 to include right to dignified life privacy and other important right through public interest litigation to address social justice issues judicial Activism made the art 21 in to a living concept in India. Originally, it had the meaning that no person shall be deprived of life and personal liberty except in cases of the procedure established by law. But as time goes on the Supreme Court has added many kinds of human rights to Article 21 through many landmark judgments.³¹ It includes viewing it from a broader perspective in the case of *Menka Gandhi v. Union of India 1978* The apex Court ruled that the procedure established by the law should be fair just and reasonable and it conected golden triangle 14, 19, 21 ART. This case is marked as the case which that expanded Article 21 and also brought the idea of judicial Activism in India. Later on, the Supreme Court included many right by giving judgment in different landmark cases through public interest litigation addressing what people need and how to secure people's rights. And the judicial Activism showed a great positive influence on the people it represented the poor and vulnerable classes

³¹ Upendra Baxi, Taking Suffering Seriously: Social Action Litigation in the Supreme Court of India, 4 Delhi L. Rev. (1985).

and it became a voice for them and it also faced criticism that sometimes courts act beyond their role and entering into governmental roles like the legislative role.

Coming to United States of America the judicial Activism originated in America only. The right to life in the American constitution is found in the due process clause of fifth and fourteen Amendment act of USA constitution. This clause states that no person shall be deprived of life without due process of law. The US Constitution includes many substantive rights like privacy, bodily autonomy, reproductive choices, and sexual freedom. And the SCOTUS means Supreme Court of United States has recognized many important rights through different judgments like in the case of *Brown v. Board of Education*³², racial segregation in schools was deemed unconstitutional and In *Roe v. Wade*, privacy and abortion rights were recognized and rights in political contexts and police custody were recognized in different cases. Due to The judicial Activism the doctrine of due process evolved from strict procedures to substantive guarantees leading courts to understand and consider public needs and interests. Judicial Activism brought many changes to the interpretation of the US Constitution.

Coming to United Kingdom judicial Activism shaped the right to life and personal liberty. Under the Human Rights Act 1998, the courts took active participation in protecting the right of individual under Articles 2 and 5 of European convention on human rights. These articles deal with right to life and personal liberty and security. The courts of the UK state that this is both a right of individuals and a responsibility of the government and in cases like *Rabone v. Pennine care* enhances trust court expanded meanings of life and liberty including the government's duty to safeguard vulnerable classes. Over different periods, it has also expanded to include many freedoms. The clear example of judicial Activism is that the state should take care to protect the individual rights and freedom even during national security.

Judicial Activism is important and it changed the shape, scope, and meaning of right to life in all three constitutions by considering public welfare and this has met many needs of many people mainly the judicial Activism became the voice of vulnerable groups in these countries The apex courts of these countries have included many important human and substantive rights in their constitutions through the judgments passed by the courts. Judicial Activism have a connection with public interest litigation so the judiciary should understand public interest and

³² *Brown v. Board of Education*, 347 U.S. 483 (1954).

needs when framing policy for citizens.

7. SUGGESTIONS

All the clauses in this right should be given equal importance and the government should allocate the necessary budget to develop these rights and help citizens lead and enjoy good lives. We should adopt some provisions from other constitutions and make the right to life and personal liberty stronger and available to all citizens of the country. The judiciary should make decisions according to public needs and wants and the court's decisions show a great impact on the public and their rights so as the fundamental rights are very important for citizens to live, the government and judiciary should act accordingly.

8. CONCLUSION

We can understand the wide scope of Article 21 of Indian constitution which is the right to life and personal liberty it is the most important fundamental right and article in the constitution. These right guarantees life, liberty, education, privacy, dignified death, travel abroad etc. This article is considered the heart and soul of India constitution by the apex Court and unquestionably proves to serve the fundamental requirements of human life. This right continues to expand its scope and includes many new dimensions and it has evolved from a narrow to a broader interpretation The right to life and personal liberty helps us lead good, honourable, respectful, dignified lives and safeguards us from arbitrary actions

When it comes to comparison with other countries, the scope of the right to life and personal liberty is more expansive and broader in India and there are many differences in evolution and historical background, amendment principles, protection, and procedures as well from this we can understand that every country follows its own form. And coming to judicial Activism it means the active participation of the judiciary and courts and their involvement in public policymaking we also can understand how the judicial Activism shaped the right to life in different constitutions of different countries through landmark judgments and it has included many rights in these constitutions. And from the literature Review we can also interpret how different researchers presented their ideas and views and how they compared rights in different countries like India, USA, UK, Kenya, and Nigeria, etc.

This entire research paper revolves around comparing the constitutions of India, America, and

the United Kingdom mainly the provision of the right to life. This comparison includes the evolution and interpretation of the right to life in these three countries.³³

³³ Comparative Matters: The Renaissance of Comparative Constitutional Law (Oxford Univ. Press 2014).

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