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## **THE PRICE OF HUMAN LIFE- UNSAFE FOOD, CIVIL LIABILITY & CRIMINAL LAW IN INDIA**

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### **ABSTRACT**

While it's often said that human life is of great value, when we see offences take place at their price, it makes us think again. This article examines the legal meaning of the term "price" of a human life in India in the context of deaths allegedly linked to poor-quality or unsafe food and compares the Indian framework with that of the United States. While the Indian law does not assign any fixed monetary value to life, it does compensate for wrongful death as a remedy, also stated in constitutional and statutory principles, particularly under Article 21 of the Constitution of India<sup>1</sup>. This article aims to clarify that food related deaths are not merely civil wrongs and can thus, attract criminal liability under the Food Safety and Standards Act, 2006<sup>2</sup> and relevant provisions of the Indian Penal Code, 1860, now, Bhartiya Nyaya Sanhita<sup>3</sup>, alongside civil remedies through tort principles and consumer protection law.

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<sup>1</sup> Constitution of India, 1950

<sup>2</sup> Food Safety and Standards Act, 2006

<sup>3</sup> Bhartiya Nyaya Sanhita, 2024

## Introduction

What is the price of a human life? This question arises during any ongoing crises such as the revolutionary COVID-19 pandemic, 2001 Gujarat Earthquake, The Great Famine etc. However, when crises emerge from adulterated/contaminated food, overlooked by systematic failures, it makes us realise that it narrows down to an insignificant number. A mere compensation could never make up for the lives of many being taken due to poor quality of food. It's rather ironic that for a country that worships cows, the milk supplied is never nearly pure. In India, where food safety concerns periodically make headlines, critics often argue that large-scale harm is treated merely as a civil wrong under tort law, with inadequate deterrence. Others claim India lacks a proper tort law framework altogether<sup>4</sup>.

As already stated in this article, India does not assign a fixed monetary value to life<sup>5</sup>. Nor does it treat food-related deaths solely as civil matters<sup>6</sup>. The legal framework exists though enforcement and structural limitations complicate accountability. A comparative analysis between India and the United States in this aspect will not only highlight the differences but also help us understand the lapse India faces and target on what weaknesses need to be strengthened for a stronger legal framework.

## Life Under the Indian Constitution

The right to life in India is constitutionally entrenched under Article 21 of the Constitution of India. The Supreme Court of India has interpreted this provision expansively, holding that “life” includes not merely physical survival but the right to live with dignity, health and environmental safety<sup>7</sup>. One good thing about Article 21 is how open ended and flexible it is in nature leaving an open door to interpret differently according to differing situations. In context of food safety, where we encounter numerous cases of milk adulteration, ripening agents in fruits, fake thickening and preservation chemicals etc, pose major health risks causing sudden health over time. Indirectly, this is murder/culpable homicide under the legal definition. The *Bhartiya Nyaya Sanhita (BNS)*, replacing the IPC, under Section 101 defines murder as, “a

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<sup>4</sup> International Journal for Legal Research and Analysis: <https://www.ijlra.com>

<sup>5</sup> The Economic Times: <https://economictimes.indiatimes.com>

<sup>6</sup> Indian Kanon, Section 59, Food Safety and Standards Act, 2006:  
<https://indiankanon.org/doc/6327511/>

<sup>7</sup> *Maneka Gandhi vs. Union of India (UOI) and Ors.* (25.01.1978 - SC)

culpable homicide under five specified exceptions<sup>8</sup>:

1. Intended to cause death,
2. Intended to cause injury known likely to cause death,
3. Intended to cause injury sufficient in ordinary course to cause death,
4. Done with knowledge it's imminently dangerous and likely to cause death, without excuse.”

Culpable Homicide under the BNS is defined under Section 100 as, “Acts causing death by<sup>9</sup>:

1. Doing an act with an intent to cause death or knowledge it's likely to cause death,
2. Causing bodily injury with intent or knowledge it's likely to cause death,
3. Imminently dangerous acts done rashly/negligently, likely to cause death.”

Thus, we can see how supply of adulterated food can fall under the legal definition of a crime and not only a civil wrong attracting not merely a compensation but also imprisonment. Making this a crime will also reduce the possibility of this happening. Compensation is only attracted in cases of negligence or minor offenses, both parameters unsafe food cross. Supplying these is more than negligence as done with intention and leading to death grossly.

Crucially, Indian law does not attach a predetermined “price” to life. Instead, courts award compensation when death results from negligence or unlawful conduct. However, this award is merely remedial, not equivalent to a human life.

### **Unsafe Food- A Civil Wrong or Criminal Offence?**

It has already been established above in this article that unsafe food can as well be a criminal offense. The claim that unsafe food causing death is treated merely as a tort overlooks India's statutory regime. The principal legislation governing food safety is the Food Safety and

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<sup>8</sup> Bhartiya Nyaya Sanhita, 2024

<sup>9</sup> Bhartiya Nyaya Sanhita, 2024

Standards Act, 2006 (FSSA). The Act<sup>10</sup>:

1. Criminalizes the manufacture and sale of unsafe or adulterated food,
2. Prescribes imprisonment wherein unsafe food causes grievous injury or death,
3. Empowers regulatory authorities to inspect, seize, and prosecute.

Additionally, provisions of the Indian Penal Code, 1860 apply in cases of food adulteration and negligent homicide as already stated above.

### **India's Stance on Tort Law**

India does not have a single codified "Tort Act," but tort law exists through common law principles and judicial development. Courts routinely apply doctrines of negligence, strict liability and even absolute liability in hazardous industries. Victims may also seek compensation under the Consumer Protection Act, 2019 for defective goods, including unsafe food products. The absence of codification does not mean absence of remedy<sup>11</sup>. Rather, Indian tort law is judge-made and supplemented by statutory schemes.

### **Under the U.S.A- A Stronger Deterrent Model**

The United States, as well, doesn't assign a fixed monetary value to human life like India. However, civil damages in wrongful death and product liability cases are substantially higher. Food safety enforcement is overseen primarily by the U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act. The statute allows<sup>12</sup>:

1. Criminal prosecution for distributing adulterated food,
2. Strict liability offences,
3. Corporate officer liability in certain cases,
4. Mandatory recalls and facility shutdowns.

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<sup>10</sup> The Food Safety and Standards Act, 2006

<sup>11</sup> The Consumer Protection Act, 2019

<sup>12</sup> Federal Food, Drug and Cosmetics Act, 1938

In addition to this, the U.S civil system is characterized by robust liability doctrines, jury trials, strong class action suit mechanisms, substantial punitive damages etc. Punitive awards were primarily designed as a punishment for deterrence which is absent in the Indian system for cases of similar nature.

### **The Key Differences**

It is clear by reading the above contents that there is a major enforcement gap between India and the United States when it comes to food quality and the application of their respective legal tools to eradicate it such as:

1. **Compensation Levels:** U.S. awards are often significantly higher.
2. **Punitive Damages:** Common and substantial in the U.S.; rare and modest in India.
3. **Class Actions:** Highly developed in the U.S.; more limited in India.
4. **Regulatory Resources:** U.S. agencies often have greater investigative capacity.
5. **Constitutional Remedies:** India uniquely allows direct constitutional compensation for violation of fundamental rights.

Thus, while both the systems criminalize unsafe food distribution and allow civil compensation, the deterrence effect differs significantly due to litigation culture, jury systems and damage quantification.

### **The Way Forward**

For a country like India, where merely increasing compensation for offenses is never enough, it must treat this as a crime to open a window for eradication. Honing life imprisonment or capital punishment in such cases will increase not only the gravity of the offense but also attract severe repercussions to it, hoping to bring a change in this corrupted system. Food is considered as one of the necessities for survival, if this means becomes the very reason for death because it's unsafe, it disrupts not only the food chain but also the hierarchy of beings consuming it.

### **Conclusion**

Laws are always meant to be evolutionary in nature, changing with times and so is its

interpretation. It is indeed high time that the laws mentioned in this article, be interpreted in a way that they penalise acts which rob people of their necessities. There is no legal “price” of a human life in India. Compensation reflects measurable economic loss and not any intrinsic value. Unsafe food causing death is not treated merely as a civil tort, it is criminalized under statutory law.