
DIGNITY AS A CONSTITUTIONAL COMPASS: THE ROLE OF ARTICLE 21 IN SHAPING JUVENILE JUSTICE IN INDIA

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ABSTRACT

Article 21¹ has undergone a doctrinal transformation, shifting from a procedural safeguard to a substantive guarantee of dignified life. This evolution has shaped the philosophical foundation of juvenile justice. This article aims to explain how dignity, as a constitutional value, has shaped the protective framework within juvenile justice.

Initially, *ADM Jabalpur v. Shivkant Shukla*² reflected a narrow interpretation by the Supreme Court, reducing rights to remedies without substantive protection. However, *Maneka Gandhi v. Union of India*³ marked a transformative shift, broadening Article 21. The study highlights how dignity became embedded within the constitutional framework. This dignity-infused judgment established a substantive guarantee and facilitated a shift from custodial control to rehabilitative care.

The Juvenile Justice (Care and Protection of Children) Act, 2015⁴ is analysed through a constitutional ethos. Moreover, subsequent Supreme Court judgments clarified that deprivation of liberty does not imply deprivation of dignity. The study situates juvenile justice in alignment with international child rights standards, particularly the United Nations Convention on the Rights of the Child⁵.

However, despite a strong constitutional and statutory framework, there persists a gap between implementation and lived realities. Furthermore, the debate between maintaining constitutional dignity and responding to public sentiment favouring a retribution-oriented approach in cases involving grave offences remains significant.

The paper concludes that Article 21 embodies a dignity-infused approach, and realizing its vision requires systemic commitment to ensure that dignity remains not merely a constitutional articulation, but a lived reality for children in conflict with law.

¹ India Const. art. 21.

² *ADM Jabalpur v. Shivkant Shukla*, AIR 1976 SC 1207.

³ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

⁴ The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2, Acts of Parliament, 2016 (India).

⁵ Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3.

I. Introduction: Constitutional Spirit of Dignity

In 1976, during the period of National Emergency, the enforceability of citizens' right to life and liberty under Article 21⁶ was suspended. This phase of executive dominance was backed by the most controversial judgment of the Supreme Court that closed the doors of the judiciary for citizens. In *ADM Jabalpur v. Shivkant Shukla*⁷, the Court ruled that no person seeks judicial remedy despite unlawful interference with the right to life and liberty. The rights-eroding interpretation resulted in substantive injustice by stripping the fundamental right (Article 21) thus exposing the vulnerability of the fundamental right when divorced from judicial protection.

The judgment was seen as judicial inertia. In the following years, the Supreme Court transformed the scope of Article 21⁸ from a narrowly defined protection from unlawful interference to a comprehensive guarantee of life and liberty. Article 21⁹ was expanded by the Supreme Court of India through dignity-infused jurisprudence highlighting not the mere survival but rather a life free from neglect and humiliation.

Juveniles, as children in conflict with law, are recognised as a judicially vulnerable group. The juvenile justice system has been shaped through the humanisation of justice, a transformation infused by the essence of dignity under Article 21, which fundamentally altered the philosophical foundation of juvenile justice by focusing a shift from retribution to care, rehabilitation, reintegration, and protection. However, on the practical ground, there is persistent procedural hollowing in implementation sternly reflects a significant implementation deficit between constitutional vision and institutional reality.

II. Evolution of Dignity Under Article 21

Dignity is a fundamental, yet contested principle in legal system. Dignity is the inherent core human value which is enshrined under Article 21 of the Indian Constitution. In *A.K Gopalan v. State of Madras*¹⁰ is considered as a seminal landmark case, in which A.K. Gopalan challenged his detention by arguing that his fundamental rights like Article 19¹¹, 21¹², and 22

⁶ India Const. art. 21.

⁷ *ADM Jabalpur v. Shivkant Shukla*, AIR 1976 SC 1207.

⁸ India Const. art. 21.

⁹ *Id.*

¹⁰ *A.K Gopalan v. State of Madras*, AIR 1950 SC 27.

¹¹ India Const. art. 19.

¹² India Const. art. 21.

¹³ were violated. However, the Court narrowly interpreted the Article 21 and ruled that as merely a “procedure established by law,” which labyrinths the idea of minimal protection against legislative encroachment. The lacuna in both the judgment and the interpretation of Article 21 later was overturned by the judgement of *Maneka Gandhi v. Union of India*¹⁴, marking a doctrinal shift in constitutional jurisprudence.

In *Maneka Gandhi v. Union of India*¹⁵, the petitioner’s passport was impounded by the Government without any reasons being given under the Passport Act, 1967¹⁶. She argued before the Court that Articles 14¹⁷, 19, and 21 were violated. The fundamental issue before the Supreme Court was whether the “procedure established by law” under Article 21 should be fair and reasonable.

The Supreme Court overruled the judgment of *A.K. Gopalan v. State of Madras*¹⁸ and held that the procedure established by law must be fair, reasonable, and not arbitrary under Article 21. This broadened the interpretation of Article 21 by recognising concepts such as dignity, liberty, and personal freedom. Hence, Article 21 was transformed from a procedural guarantee to substantive justice.

Dignity as a constitutional lodestar under Article 21 refers to the right to life not as mere animal existence. The right to life is not confined to living with liberty but also extends to living with human dignity. The Supreme Court stated that dignity encompasses mental and physical integrity, protection from humiliation and degradation, and favourable conditions for full personality development. In *Francis Coralie Mullin v. Union Territory of Delhi*¹⁹, an integral part of the judgment was the recognition of the right to live with human dignity, which expanded Article 21 from a narrow guarantee into a substantive human right.

This interpretation is significant for children, as dignity forms a sacrosanct part of their developmental and emotional needs. The dignity of juveniles in conflict with law demands a shift from custodial control to rehabilitative care. Hence, dignity under Article 21 compels

¹³ India Const. art. 22.

¹⁴ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

¹⁵ *Id.*

¹⁶ The Passports Act, 1967, No. 15, Acts of Parliament, 1967 (India).

¹⁷ India Const. art. 14.

¹⁸ *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27.

¹⁹ *Francis Coralie Mullin v. Adm’r, Union Territory of Delhi*, AIR 1981 SC 746.

the State to ensure the humanisation of juvenile justice.

III. Juvenile Justice through the Lens of Dignity

Under Indian law, juveniles are those who are below 18 years. Juveniles are rights-bearing subjects with developmental immaturity who are more susceptible to social and economic influences. In recognition of these realities, the *Juvenile Justice (Care and Protection of Children) Act, 2015* is enacted for children “found to be in conflict with law and children in need of care and protection by catering to their basic needs through proper care, protection, development, treatment, social re-integration, by adopting a child-friendly approach in the adjudication and disposal of matters in the best interest of children and for their rehabilitation through processes provided, and institutions and bodies established, hereinunder and for matters connected therewith or incidental thereto.”²⁰ This statutory framework reflects the understanding that the decision-making power of a child is at an evolving stage, and their act is more a matter of circumstance rather than criminal intent. Hence, prosecuting children as adults is wrong and violates their dignity. Thus, dignified constitutional ethos advocates for a therapeutic jurisprudence.

A shift from a deterrence-centric to a dignity-centric approach marks a child-friendly adjudication. This paradigm shift rejects harsh incarceration and stigmatization and affirms a reformative continuum. When punitive measures are taken against children, it undermines their dignity and criminalises their childhood. Such carceral logic subjects the child to social exclusion and alienation. In contrast, the dignity-centric framework is a healing-oriented approach that conceptualises non-stigmatizing processes, individualized justice, and psychological rehabilitation. These principles align with Article 21, which protects life with dignity and fairness.

IV. Legislative Framework: Dignity in the Juvenile Justice Act, 2015

The Juvenile Justice Act, 2015²¹ stands as a constitutional embodiment and legislative concretisation of Article 21. It translates constitutional philosophy into a structured statutory mechanism by institutionalising rehabilitative justice and embedding a welfare-oriented adjudicatory framework. The Act thereby reflects a protective jurisdiction and a clear statutory

²⁰ The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2, Acts of Parliament, 2016, p.1 (India).

²¹ The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2, Acts of Parliament, 2016 (India).

manifestation of dignity.

The objectives of the Act lead justice as restoration, not retaliation. It centres on the best interests of the child by prioritising healing over punishment. The focus on developmental responsiveness and social reintegration underscores that a child's identity must be restored within the community. Further, the objectives signify the principle of presumption of innocence and a chance for a fresh start. These principles advocate an understanding that a child's dignity cannot be sacrificed for deterrence.

The emphasis on child-friendly adjudication is supported by the establishment of the Juvenile Justice Board. Section 4 of the Juvenile Justice Act, 2015 deals with the constitution of the Juvenile Justice Board. It states that "the state government shall constitute for every district, one or more Juvenile Justice Boards for exercising the powers and discharging its functions relating to children in conflict with law under this Act."²² The objective urges a non-adversarial process to avoid stigma labelling, and ensure psychological safeguarding. This reduces coercive exposure while keeping the dignity of the juvenile intact.

V. Supreme Court and Child Dignity

In *Sheela Barse v. Union of India*²³, the Supreme Court affirmed that a juvenile's constitutional rights do not evaporate upon incarceration. The Court clarified that deprivation of liberty does not imply deprivation of dignity, and that children in custody must be treated humanely and protected from abuse, exploitation, and neglect. The carceral setting, therefore, must remain subject to constitutional regulation. The State bears an affirmative constitutional obligation to ensure humane conditions for children in custody, and any breach of this duty would amount to a violation of Article 21.

The Supreme Court reinforced the shift from retribution to reformatory justice in *Salil Bali v. Union of India*²⁴, where it upheld eighteen years as the threshold of juvenility, even in cases involving heinous offences. The decision signified a rejection of pleas to dilute the protective framework and clarified that childhood cannot be tried as adulthood, even for the purposes of criminal liability, as this results in jurisprudential regression in child rights jurisprudence.

²² The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2, Acts of Parliament, 2016, p.8 (India).

²³ *Sheela Barse v. Union of India*, AIR 1986 SC 1773.

²⁴ *Salil Bali v. Union of India*, AIR 2013 SC 1114.

Hence, post-2015, the Court has advocated that any mental assessment of juveniles must be scientific, individualized, and non-arbitrary in nature. In this sense, dignity is not compromised by taking a punitive decision.

VI. International Law and Constitutional Alignment

Under Juvenile Justice Act, 2015 it is stated that the Act “is a comprehensive provisions for children alleged and found to be in conflict with law and children in need of care and protection, taking into consideration the standards prescribed in the Convention on the Rights of the Child, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990), the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993), and other related international instruments.”²⁵

The preamble of the United Nations Convention on the Rights of the Child states that “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.”²⁶

Article 2²⁷, Article 3²⁸, Article 6²⁹, and Article 19³⁰ of the Convention elaborate the principles on non-discrimination, best interest, survival, life, development, and protection of the child. These principles unanimously uphold the dignity of the child. Furthermore, the Indian Supreme Court has repeatedly interpreted the Article 21 harmoniously in alignment with the principles of the United Nation Convention on the Rights of the child.

VII. Dignity v. The Public demand for Punishment

The Juvenile Justice (Care and Protection of Children) Act, 2015³¹ is a constitutional concretisation ensuring the child- friendly adjudication. However, the introduction provisions allowing 16-18 years old children tried as an adult has sparked the debate on criminalisation of childhood. From a constitutional standpoint, the provisions seek to protect the dignity of the child even in cases involving serious crimes. However, the vox populi often demands a

²⁵ The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2, Acts of Parliament, 2016, p.2 (India).

²⁶ Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3.

²⁷ Id.

²⁸ Id.

²⁹ Id.

³⁰ Id.

³¹ The Juvenile Justice (Care and Protection of Children) Act, 2015, No. 2, Acts of Parliament, 2016 (India).

deterrence centric approach in cases involving grave offenses. This has created dissonance between constitutional commitments and lived realities.

The transformative interpretation of *Maneka Gandhi v. Union of India*³² has significantly broadened the Article 21 as the constitutional backbone by holding any procedure established by law affecting the personal liberty must be just, fair, and reasonable. Therefore, in permitting trials of certain juveniles as adults, the mental assessment must be interpreted narrowly and conducted with care. The Article 21 acts as constitutional brake, preventing the excessive application of such provisions and protecting against the erosion of child's dignity.

VIII. The Gap between Constitutional ideals and Lived Realities

At the doctrinal level, dignity under Article 21 unwaveringly anchors the juvenile justice within the protective framework. However, the fragmented execution created a gap between constitutional ideals and lived realities. On the ground, there persists poor conditions in observation homes despite having mandated rehabilitation guidelines, marking normative dilution in implementation. The appointment of untrained counsellors and psychologists amounts to tokenistic compliance. The delays in inquiry and rehabilitation reflects procedural hollowing within the system making the system, rendering it dysfunction. Furthermore, structural imbalances in coordination and execution create operational bottlenecks and implementation deficits. A purely formalistic approach fails to address these lived realities and their impact.

IX. Conclusion: Towards a Dignity-Centric Juvenile Justice Framework

Children in conflict with law stand at the intersection of vulnerability and constitutional protection. Article 21 has transformed from a procedural safeguard into a substantive guarantee of dignified life, fundamentally shaping juvenile justice in India. Through repeated judicial interpretations, dignity under Article 21 has become an integral part of a reformative and child-centric framework. True justice lies not in the infliction of punishment, but in protecting the child from vulnerability.

To fully realize Article 21's vision, dignity must not remain merely a judicial articulation; rather, it should form part of the lived reality of juvenile justice. To achieve this, investment in

³² *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

child-friendly infrastructure must be ensured. Moreover, the training of Juvenile Justice Board members must be strengthened and community-based rehabilitation prioritised for the restoration of the juvenile's dignity, rather than institutional isolation. A dignity-based approach requires systemic commitment, not merely legislative intent.

In a nutshell, the trajectory of constitutional jurisprudence reveals a shift from procedural to substantive justice, marking a conception of justice tempered with compassion.