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THE ROLE OF DIGNITY UNDER ARTICLE 21 IN SHAPING JUVENILE JUSTICE IN INDIA

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I. ABSTRACT

The constitutional guarantee of dignity under Article 21 has become one of the most important principles governing the juvenile justice system in India. Children who come into conflict with law differ from adults because they are still developing physically, mentally and emotionally. Therefore, the criminal justice system must adopt an approach that focuses on protection, rehabilitation and reintegration instead of punishment alone. This article examines how the interpretation of Article 21 by the Supreme Court has expanded the meaning of the right to life to include the right to live with human dignity and how this constitutional principle has influenced the development of juvenile justice in India. The article analyses the constitutional framework under Articles 14, 15(3), 21 and 39(f), along with the Juvenile Justice (Care and Protection of Children) Act, 2015, to show how constitutional values are reflected in child-friendly procedures, protection of identity and rehabilitation measures. It further discusses the constitutional debate relating to children between sixteen and eighteen years of age who may be transferred to the adult criminal justice system for heinous offences. By examining important judicial decisions, constitutional provisions and international standards, the article argues that dignity under Article 21 should remain the guiding principle of juvenile justice. It concludes that while accountability for serious offences is necessary, it should not override the constitutional commitment to rehabilitation, fairness and the opportunity for every child to reform and successfully reintegrate into society.

Keywords: Article 21, Human Dignity, Juvenile Justice, Children in Conflict with Law, Rehabilitation, Juvenile Justice Act, 2015.

II. INTRODUCTION

In the Indian criminal justice system, children occupy a unique position because they are still developing psychologically and physically. Their behaviour is often shaped by circumstances beyond their control. Children are like clay; they can be moulded and shaped depending on the care, guidance, and opportunities they receive during their formative years. A child who is exposed to excessive punishment at an early stage may suffer long-term social stigma, making rehabilitation and reintegration significantly more difficult. Therefore, the juvenile justice system must adopt a reformatory approach that prioritises rehabilitation over harsh punishment, ensuring that a ‘child in conflict with law’ is given a meaningful opportunity to successfully reintegrate into society.

The increasing involvement of children in formal legal proceedings raises important constitutional concerns regarding their treatment within the criminal justice system. Courtroom proceedings are often intimidating and psychologically distressing for children, whether they appear as children in conflict with law, victims, or witnesses. Such an environment may discourage their meaningful participation in legal proceedings and undermine the dignity guaranteed under Article 21. The issue becomes even more significant in the case of children between sixteen and eighteen years of age, who may be transferred to the adult criminal justice system under the *Juvenile Justice (Care and Protection of Children) Act, 2015*.¹ This has raised an important constitutional debate as to whether children accused of serious offences should be treated in the same manner as adult offenders despite their developmental differences and constitutional right to dignity.

¹ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, INDIA CODE (2016), § 15.

In order to address these concerns, it becomes necessary to examine the constitutional guarantee of dignity under Article 21 of the Constitution of India,² which protects the right to life and personal liberty. In *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*,³ the Supreme Court held that the right to life does not mean mere animal existence but includes the right to live with human dignity. This interpretation requires the State to treat children who come into contact with the criminal justice system in a manner consistent with their inherent dignity. Against this constitutional background, this article argues that dignity under Article 21 is not merely a constitutional principle but the guiding principle that shapes every stage of India's juvenile justice system from child-friendly procedures and institutional safeguards to rehabilitation and the constitutional debate surrounding children between sixteen and eighteen years of age.

III. EVOLUTION OF DIGNITY UNDER ARTICLE 21

Article 21 of the Constitution of India provides- "No person shall be deprived of his life or personal liberty except according to procedure established by law."⁴ Although the provision appears procedural in nature, judicial interpretation has gradually transformed it into a substantive guarantee of human dignity. This constitutional evolution is significant because the protection of dignity now forms the foundation of India's juvenile justice system, requiring that children in conflict with law be treated with fairness, compassion and respect rather than mere legal formality.

In the early years after independence, however, Article 21 was interpreted narrowly. In *A.K. Gopalan v. State of Madras*,⁵ the Supreme Court held that Article 21 was satisfied so long as a person's liberty was taken away by a procedure established by law enacted by Parliament, regardless of whether that procedure was fair or reasonable. As a result, the judgment offered only limited protection against arbitrary state action and failed to recognize dignity as an essential component of the right to life. Such a restrictive interpretation was particularly inadequate for vulnerable groups such as children, whose interaction with the criminal justice system requires greater constitutional protection than mere procedural compliance.

² INDIA CONST. art. 21.

³ *Francis Coralie Mullin v. Administrator, Union Territory of Delhi*, (1981) 1 SCC 608.

⁴ INDIA CONST. art. 21.

⁵ *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27.

Later, the constitutional position changed fundamentally with the landmark judgment in *Maneka Gandhi v. Union of India*,⁶ where it was held that the ‘procedure established by law’ under Article 21 must be just, fair and reasonable - not arbitrary. By introducing the requirement of procedural fairness, the Court transformed Article 21 from a narrow procedural safeguard into a substantive guarantee of personal liberty. This marked a significant shift in constitutional jurisprudence, as the protection of individual rights no longer depended merely on the existence of a law but also on the fairness of its operation.

Article 21 (Right to Life and Personal Liberty) with Article 14 (Right to Equality) and Article 19 (Right to Freedom) were linked together, describing them as the “Golden Triangle” of the Indian Constitution.⁷ Consequently, any law affecting personal liberty must satisfy the tests of fairness, equality and reasonableness. This expanded interpretation has particular significance for juvenile justice because it requires the state to treat children in conflict with law in a manner that is consistent with constitutional values. Thus, decisions affecting children cannot be guided solely by statutory provisions or punitive considerations, they must also uphold the child’s dignity, fairness and opportunity for rehabilitation under Article 21. This transformation has also been recognised by constitutional scholars. M.P. Jain observes that *Maneka Gandhi* fundamentally expanded the scope of Article 21 from a procedural safeguard into the source of several substantive rights, making dignity and fairness central to constitutional protection. This broader interpretation laid the constitutional foundation for a juvenile justice system that prioritises rehabilitation and respect for children’s dignity over mere procedural compliance.⁸

The concept of dignity was explicitly recognised in *Francis Coralie Mullin v. Administrator, UT of Delhi*,⁹ where the Supreme Court observed that “life” does not mean mere animal existence, but the right to live with human dignity. It was further noted that dignity requires humane treatment and respect for every individual. This principle was further strengthened in *Justice K.S. Puttaswamy v. Union of India*,¹⁰ where the Supreme Court recognized dignity as a foundational constitutional value underlying all fundamental rights. Thus, dignity is not merely an aspect of Article 21 but its guiding principle. In the context of juvenile justice, this means that children in conflict with law must be treated with fairness, respect and compassion, making rehabilitation and reintegration constitutional obligations rather than matters of legislative

⁶ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

⁷ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

⁸ M.P. JAIN, INDIAN CONSTITUTIONAL LAW (9th ed. 2023).

⁹ *Francis Coralie Mullin*, *supra* note 3 at 3.

¹⁰ *Justice KS Puttaswamy v Union of India*, (2017) 10 SCC 1.

policy alone. Consequently, every stage of the juvenile justice process from investigation and inquiry to rehabilitation and reintegration must be guided by the constitutional value of dignity. Therefore, Article 21 no longer operates merely as a source of procedural protection but as the constitutional standard against which every juvenile justice measure must be tested.

The Constitutional understanding also transformed the philosophy of juvenile justice from one based on custodial control to one centred on rehabilitative care. Rather than treating children in conflict with law as ordinary offenders, Article 21 requires the State to recognize their developmental vulnerability and provide opportunities for reform, rehabilitation and successful reintegration into society. Accordingly, dignity functions not merely as an abstract constitutional value but as the normative foundation governing every stage of juvenile justice.¹¹

IV. CONSTITUTIONAL RECOGNITION OF CHILDREN AND PROTECTIVE EQUALITY

Why Do Children Need Special Constitutional Protection?

Children are not physically, mentally or emotionally mature as adults. Their decision-making abilities and moral understanding are still developing, and their behaviour is often influenced by circumstances beyond their control. Recognising this vulnerability, the Constitution provides children with special protection to ensure that they are treated with fairness, care and dignity. This approach acknowledges that children require opportunities for reform and development rather than being subjected to the same punitive treatment as adults.

In the case of *Sheela Barse v. Union of India*,¹² the Supreme Court made it clear that children in custody require special protection and care. It was emphasised that the state must act as a guardian rather than merely as a prosecutor while dealing with children. It was further observed that children should be protected from abuse, neglect and degrading treatment during legal proceedings. This approach reinforces the constitutional guarantee of dignity under Article 21 by recognising that the objective of juvenile justice is not simply to punish children but to protect their welfare and facilitate their rehabilitation.

¹¹ Reine Yadav, "Dignity as a Constitutional Compass: The Role of Article 21 in Shaping Juvenile Justice in India", *Indian Journal of Integrated Research in Law*, Vol. VI, Issue I (2026).

¹² *Sheela Barse v Union of India* (1986), 3 SCC 596.

Article 14 guarantees equality before the law and equal protection of the laws.¹³ However, constitutional equality does not require identical treatment in every situation. Children cannot be treated in the same manner as adult offenders because they differ significantly in terms of maturity, decision-making ability and understanding of the consequences of their actions. Therefore, treating children differently under the juvenile justice system does not violate equality; rather, it promotes substantive equality by recognising their developmental needs and protecting their dignity.

Under Article 15(3) the Constitution empowers the state to create special provisions for women and children.¹⁴ This reflects the principle of protective equality, which recognises that vulnerable groups may require additional legal safeguards. The special protections provided under the *Juvenile Justice (Care and Protection of Children) Act, 2015* are therefore not exceptions to equality but constitutional measures intended to preserve the dignity and best interests of children.

Similarly, Article 39(f) of the Directive Principles of State Policy (DPSP), directs the state to ensure that children develop in a healthy manner, in conditions of freedom and dignity and their childhood and youth are protected against exploitation and moral and material abandonment.¹⁵

The vision embodied in Article 14, 15(3) and 39(f) also aligns with India's international obligations under the *United Nations Convention on the Rights of the Child (UNCRC)*. Article 3 of the Convention requires that the best interests of the child shall be a primary consideration in all actions concerning children, while Article 37 prohibits torture, cruel or degrading treatment and requires detention to be used only as a measure of last resort. Further, Article 40 recognises the right of every child accused of violating the law to be treated in a manner consistent with the child's dignity and worth, with the objective of promoting rehabilitation and reintegration into society. These international standards reinforce the constitutional understanding that juvenile justice must prioritise dignity, rehabilitation and the best interest of the child over punitive objectives.¹⁶

This protective framework reinforces the idea that juvenile justice should focus on rehabilitation, education and reintegration rather than punishment alone. Collectively, Articles

¹³ INDIA CONST. art. 14.

¹⁴ INDIA CONST. art. 15(3).

¹⁵ INDIA CONST. art. 39(f).

¹⁶ Convention on the Rights of the Child arts. 3, 37, 40, Nov. 20, 1989, 1577 U.N.T.S. 3.

14, 15(3) and 39(f) demonstrate that the Constitution adopts the principle of protective equality by requiring the State to treat children in a manner that safeguards their dignity and promotes their overall development.

If dignity under Article 21 means enabling every individual to live with human dignity and realise their full potential, then children who come into conflict with the criminal justice system must be treated with special care and sensitivity. A purely punitive approach may permanently stigmatise children and undermine their constitutional right to dignity. Therefore, juvenile justice must remain consistent with constitutional values by prioritising reform, rehabilitation and the opportunity for a second chance rather than punishment alone. This philosophy forms the foundation of India's juvenile justice framework and provides the basis for the statutory protections contained in the Juvenile Justice (Care and Protection of Children) Act, 2015.

V. DIGNITY WITHIN THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

The *Juvenile Justice (Care and Protection of Children) Act, 2015* gives practical effect to the constitutional guarantee of dignity under Article 21 by replacing a purely punitive approach with one centred on rehabilitation, reform and social reintegration. This reflects the constitutional understanding that children, because of their age and stage of developmental immaturity, deserve an opportunity to reform rather than suffer lifelong stigma. Accordingly, the Act adopts measures such as counselling, education, skill development and rehabilitation to help children reintegrate into society. It further protects a child's dignity by referring to a juvenile as a 'child in conflict with law' instead of a 'criminal', thereby avoiding labels that may permanently affect the child's identity and future. The death penalty and life imprisonment without the possibility of release¹⁷ for juveniles has been prohibited and instead establishes child-friendly institutions such as Observation Homes and Special Homes. Observation Homes provide temporary care during inquiry and trial, whereas Special Homes focus on long-term rehabilitation, education and vocational training after an order of the Juvenile Justice Board. These measures demonstrate that the primary objective of this statute is not punishment, but the restoration of the child's dignity and successful reintegration into society. This reformative framework reflects the constitutional mandate of Article 21 because dignity cannot be

¹⁷ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, INDIA CODE (2016), § 21.

preserved merely by protecting a child's physical liberty. A child who is subjected to harsh punishment, prolonged institutionalisation or social stigma without meaningful opportunities for education, counselling and rehabilitation is deprived of the ability to rebuild his or her life with dignity. Therefore, the Juvenile Justice Act transforms the constitutional guarantee of dignity into practical safeguards by ensuring that rehabilitation, rather than retribution, remains the guiding objective of juvenile justice.¹⁸

The procedure under the Juvenile Justice Act, 2015 is designed to be child-friendly in order to safeguard the dignity of children throughout the justice process. Instead of being produced before a regular criminal court, a child in conflict with law is brought before the Juvenile Justice Board (JJB), which functions in a less formal and non-intimidating manner. This approach recognises that exposing children to an adversarial criminal environment may cause fear, stigma and psychological harm, thereby undermining their dignity under Article 21. The legislation further abolishes the joint trial of children with adult offenders to prevent children from being influenced by adult criminals or being subjected to the same punitive treatment. In *CCL K v. State (NCT Delhi)*, the Delhi High Court reaffirmed this principle by holding that even a child who is tried as an adult after a preliminary assessment cannot be jointly tried with an adult co-accused.¹⁹ This is further expressly reinforced by Section 23 of the Juvenile Justice Act, 2015, which prohibits joint trials.²⁰ These procedural safeguards ensure that children are treated in a manner consistent with the age, vulnerability and constitutional right to dignity.

Further, Section 74 of the *Juvenile Justice (Care and Protection of Children) Act, 2015*²¹ prohibits the disclosure of the identity of a child in conflict with law, a child in need of care and protection, or a child victim or witness. The publication of the child's name, address, school, photograph or any other identifying particulars through the media or any other means of communication is prohibited. This safeguard extends beyond protecting privacy; it prevents social stigma, discrimination and long-term psychological harm that may result from public identification. By protecting a child's identity, it attempts to facilitate rehabilitation without the burden of lifelong labelling, thereby giving practical effect to the constitutional guarantee of dignity under Article 21. Ultimately, the Juvenile Justice Act transforms constitutional

¹⁸ JAIN, *supra* note 8.

¹⁹ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, INDIA CODE (2016), § 21.

¹⁹ Indian K v State, (2021) SCC OnLine Del 3175.

²⁰ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, INDIA CODE (2016), §74.

²¹ Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, INDIA CODE (2016), §74.

principles into practical safeguards, ensuring that every child is treated with respect, fairness and dignity throughout the justice process.

VI. THE 16-18 YEARS CONTROVERSY: PUNISHMENT VERSUS CONSTITUTIONAL DIGNITY

Under the *Juvenile Justice (Care and Protection of Children) Act, 2015*, children between the ages of sixteen and eighteen who are alleged to have committed “heinous offence” may, in certain circumstances, be tried as adults. Section 15 of the Act provides that before such a transfer can take place, the Juvenile Justice Board (JJB) must conduct a preliminary assessment. In this assessment, the Board examines:

- Whether the child had mental and physical capacity to commit such offence.
- Whether the child had the ability to understand the consequences of the offence,
- And in which circumstances the offence was allegedly committed.

To provide this assessment, the Board may take the assistance of experienced psychologists, psycho-social workers or other experts.²² The requirement of a preliminary assessment reflects the constitutional recognition that children cannot be treated in the same manner as adults solely because of the seriousness of the offence. Instead of creating an automatic transfer to the adult criminal justice system, Section 15 requires an individualised assessment of the child’s maturity and circumstances. This approach seeks to balance public safety with the constitutional commitment to dignity, fairness and the possibility of rehabilitation under Article 21. Accordingly, the preliminary assessment functions as a constitutional safeguard rather than an automatic gateway to the adult criminal justice system.

The Supreme Court reaffirmed this constitutional approach in *Barun Chandra Thakur v. Master Bholu*,²³ where it emphasised that the preliminary assessment under Section 15 is not intended to determine the guilt of the child but to evaluate the child’s mental and physical capacity, ability to understand the consequences of the offence and the circumstances in which it was allegedly committed. The Court stressed that this assessment must be individualised and based on expert assistance wherever necessary. This interpretation reinforces the constitutional

²² Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016, INDIA CODE (2016), §15.

²³ *Barun Chandra Thakur v Master Bholu* (2022), SCC OnLine SC 870.

guarantee of dignity under Article 21 by ensuring that children are not transferred to the adult criminal justice system through a mechanical or purely offence-based approach.

The introduction of this provision was largely influenced by the public outrage following the *Mukesh & Anr v. State (NCT of Delhi)*, popularly known as *Nirbhaya case*,²⁴ in which one of the accused was a seventeen-year-old juvenile who, under the *Juvenile Justice Act, 2000*, received the maximum reformatory sentence of three years. The widespread criticism following the case led lawmakers to argue that the existing legal framework was ill-equipped to deal with heinous offences committed by other juveniles, ultimately resulting in the enactment of the *Juvenile Justice (Care and Protection of Children) Act, 2015*.²⁵

However, even before the 2015 amendments, the Supreme Court in *Salil Bali v. Union of India*,²⁶ upheld the constitutional validity of retaining eighteen years as the age of juvenility and recognised that children constitute a distinct class requiring special legal protection. The Court observed that the object of juvenile justice is reform rather than retribution and that treating children differently from adults is consistent with the constitutional principles of equality and dignity. This judgment continues to remain relevant because it emphasises that accountability for juvenile offenders must always be balanced with their greater capacity for reform.

However, trying juveniles as adults raises serious constitutional concerns under Article 21. Adolescents are still undergoing psychological, emotional and neurological development, particularly in areas relating to impulse control, emotional regulation and decision-making.²⁷ Consequently, exposing them to the adult criminal justice system may subject them to lifelong stigma and reduce the possibility of rehabilitation.

Contemporary scientific research also supports this constitutional approach. Neuroscientific studies demonstrate that the adolescent brain, particularly the prefrontal cortex responsible for impulse control, emotional regulation and risk assessment, continues to develop into early adulthood. Consequently, children between sixteen and eighteen years of age generally possess a greater capacity for behavioral change and rehabilitation than adults.²⁸ Therefore, while the State has a legitimate interest in responding effectively to serious crimes, Article 21 requires

²⁴ *Mukesh v State (NCT of Delhi)*, (2017) 6 SCC 1.

²⁵ *Juvenile Justice (Care and Protection of Children) Bill, 2014*, Statement of Objects and Reasons.

²⁶ *Salil Bali v Union of India*, (2013) 8 SCC 435.

²⁷ *Roper v Simmons*, 543 US 551 (2005).

²⁸ LAURENCE STEINBERG, *AGE OF OPPORTUNITY: LESSONS FROM THE NEW SCIENCE OF ADOLESCENCE* (Houghton Mifflin Harcourt 2014).

that even children accused of heinous offences be treated in a manner consistent with their dignity and developmental needs. Accordingly, a purely deterrent approach may undermine the reformatory philosophy that forms the foundation of India's juvenile justice system. This scientific understanding further strengthens the constitutional justification for treating children differently from adult offenders and supports the reformatory philosophy embodied in Article 21.

Therefore, the challenge lies in balancing society's legitimate interest in responding to heinous offences with the constitutional commitment to dignity under Article 21. The preliminary assessment conducted by the Juvenile Justice Board must, therefore, be carried out with great care, objectivity and sensitivity, keeping the child's age, mental maturity and circumstances in view. A routine or mechanical transfer of children to the adult criminal justice system would undermine the reformatory philosophy of juvenile justice and weaken India's constitutional commitment to dignity. Even in cases involving heinous offences, the Constitution does not permit the State to disregard a child's capacity for reform and reintegration into society.

VII. CONCLUSION

The Constitutional guarantee of dignity under Article 21 has played a crucial role in shaping the philosophy of the juvenile justice system in India. The Juvenile Justice system is not merely a statutory framework for dealing with children accused of offences, but a constitutional commitment founded on fairness, humanity and the belief that every child possesses the capacity for reform. By recognising that children differ from adults in terms of their physical, mental and emotional development, the Constitution requires the State to respond with protection and rehabilitation rather than retribution.

The *Juvenile Justice (Care and Protection of Children) Act, 2015*, gives practical effect to this constitutional vision through child-friendly procedures, protection of identity, rehabilitation and the prohibition of extreme punishments. At the same time, the transfer of children between sixteen and eighteen years of age to the adult criminal justice system reveals the continuing tension between public demands for stricter punishment and the constitutional obligation to preserve dignity. This debate ultimately raises an important constitutional question: can accountability for serious offences be ensured without sacrificing the reformatory philosophy that lies at the heart of juvenile justice?

In a constitutional democracy, true justice is measured not by how severely the State punishes wrongdoing, but by how consistently it upholds human dignity. Even when a child is accused of a serious offence, the Constitution does not permit the State to disregard the child's dignity or capacity for reform. If dignity remains the core value of Article 21, the juvenile justice system must continue to prioritise rehabilitation, protection and the opportunity for a second chance over retribution. This does not mean that children who commit serious offences should escape accountability. Rather, accountability must operate within a constitutional framework that recognises their age, developmental capacity and potential for reform. A justice system that balances public safety with rehabilitation is more consistent with the constitutional vision of dignity than one driven solely by punitive considerations. Ultimately, by safeguarding the dignity of children within the criminal justice system, India not only fulfils its constitutional obligations but also strengthens the moral foundation of its constitutional democracy.