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THE RIGHT TO DIGNITY UNDER ARTICLE 21 OF THE INDIAN CONSTITUTION

~ *Janvi Shah*^{*}

1. INTRODUCTION: THE CONCEPTUAL FRAMEWORK OF DIGNITY

“No person shall be deprived of his life or personal liberty except according to procedure established by law” is guaranteed by the Constitution of India under the Right to Life and Personal Liberty, as mentioned in Article 21². Among the most significant interpretations of Article 21, is the recognition of Right to Dignity as an important component of both “life” and “personal liberty.”

“Dignity” is a contested term. At its core it denotes the intrinsic worth of every human being through a moral and legal recognition that the humans deserve both respect and protection from humiliation, degradation, and arbitrary state power. Dignity under Article 21 functions both as a substantive right and as an interpretative value that helps shape privacy, autonomy, bodily integrity, socio-economic entitlements, and protection from degrading treatment.

The Preamble itself sets the tone in India by promising all citizens "Justice, Social, Economic and Political; Liberty of thought, expression, belief, faith and worship; Equality of status and of opportunity; and to promote among them all Fraternity assuring the dignity of the individual and the unity and integrity of the Nation." This clear mention of "dignity of the individual" in the Preamble helps us understand the fundamental rights, especially Article 21.

In India's constitutional law, dignity is often called the "soul" of Fundamental Rights. This changes the right to life from just a guarantee of animal existence to a promise of a full,

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² INDIA CONST. art. 21.

meaningful, and worth-living life. The Preamble to the Constitution of India solemnly pledges to protect the "dignity of the individual," among other things, making it a constitutional value that cannot be changed.

The Indian Supreme Court has evolved jurisprudence around the "Golden Triangle" of Fundamental Right³, that include Article 14 (Right to Equality), Article 19 (Right to Freedom), and Article 21 (Right to Life and Personal Liberty)⁴. These articles work together to make each other stronger. The common thread between the trinity is human dignity. Without human dignity and respect for human personality, both Articles 14 and Article 19⁵ are meaningless.

The above analysis illustrates the transformative role of Article 21 in protecting the fundamental human right to dignity from all violations, whether from the state or from social prejudices, thereby underlining the commitment to a just and equitable society where every human being can live with honour and self-respect.

2. THE GENESIS AND EVOLUTION OF ARTICLE 21: FROM PROCEDURAL TO SUBSTANTIVE JUSTICE

The interpretation of Article 21 mirrors the judiciary's understanding of human rights and the needs of society in the country over time. Initially, in cases such as *A.K. Gopalan v. State of Madras* (1950)⁶, the Supreme Court of India adopted a very narrow and restrictive interpretation of Article 21. The words "procedure established by law" referred to any procedure prescribed by a competent legislature irrespective of its fairness and reasonableness. "Dignity" in any expanded sense was not yet a part of the jurisprudence of Article 21. This meant that if the law prescribed a procedure for the deprivation of any individual's liberty, the Court would not scrutinize the validity of the law in the light of the principles of natural justice or dignity, but the law would still be constitutionally valid. This is a rather narrow approach, which limits the protection offered by Article 21, thereby reducing the same to just a procedural protection against the excesses of the executive rather than the legislative.

³ Amit Kumar, *Article 21 Protection of Life, Liberty & Right to Education in the Indian Constitution*, Techidata (Jan. 16, 2025), <https://tarunias.com/exams/upsc-notes/article-21-protection-of-life-liberty-right-to-education-in-the-indian-constitution/>.

⁴ INDIA CONST. art. 14, art. 19, art. 21.

⁵ INDIA CONST. art. 14, art. 19.

⁶ *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27.

The turning point in the jurisprudence of the Supreme Court was the landmark decision in the case of *Maneka Gandhi v. Union of India* (1978)⁷. The Supreme Court overruled the Gopalan doctrine, holding that the procedure established by law should be “fair, just, and reasonable” and not arbitrary, fanciful, or oppressive. This introduces the concept of substantive due process in the Indian jurisprudence, which is wider in its application than the concept of the rule of law, thereby expanding the scope of Article 21. Justice P.N. Bhagwati observed that the right to life includes the right to live with human dignity, and all that goes with it, such as the bare necessities of life.

3. DIGNITY IN CRIMINAL JUSTICE AND PRISON REFORMS

The concept of “Dignity” could most critically be tested in the context of criminal justice, where the state’s power is mostly exercised against the individual. The Supreme Court has consistently held that a person does not lay their fundamental rights at the prison gate. Even a convicted person is entitled to right of dignity, and any kind of treatment that dehumanises the individual is violative of Article 21.

Francis Coralie Mullin v. Union Territory of Delhi (1981)⁸ further emphasized such an approach wherein the Court observed that the right to life includes the right to live with human dignity and all the other things that goes along with it. These foundational moves transformed Article 21 from a negative guarantee of physical safety into a dynamic source of rights and entitlements that are centred on human dignity.

4. MULTIFACETED DIMENSIONS OF DIGNITY UNDER ARTICLE 21

The Indian Judiciary has expanded the scope of Article 21 to include socio-economic rights, recognizing that true dignity is impossible without the material basis for a decent life. Such an interpretation bridges the gap between the fundamental rights and the Directive Principles of State Policy.

A. Right to Livelihood

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

⁸ *Francis Coralie Mullin v. Union Territory of Delhi*, AIR 1981 SC 746.

The Supreme Court has recognised that the Right to Life includes the Right to earn a livelihood. The ability to earn, work, and support oneself and one's family is fundamental to maintaining self-respect and dignity. Deprivation of livelihood, without a fair and just procedure, is thus a violation of Article 21. In the landmark case of *Olga Tellis v. Bombay Municipal Corporation* (1985)⁹, the Supreme Court held that the right to life includes the right to livelihood. While the state is not compelled to provide a job to every citizen, it can also not deprive a person of their livelihood without a just and a fair procedure. Evicting pavement dwellers without providing alternative accommodation was seen as a deprivation of their right to livelihood and, subsequently, their dignity.

B. Right to Shelter, Health, and Environment

In *Francis Coralie Mullin v. Union Territory of Delhi* (1981)¹⁰, Justice Bhagwati articulated that the right to life also includes right to live with human dignity and all that goes along with it. This principle has extended to include the right to health and medical aid (*Parmanand Katara v. Union of India*)¹¹ and the right to clean environment (*M.C. Mehta v. Union of India*)¹². The Court held that pollution free water and air are essential attributes of right to life, because degraded environment results to compromise the quality of life and human dignity.

The right to health includes medical care, emergency treatment, and access to public health facilities, that has been recognised as an integral part of the right to life with dignity. Pollution and environmental degradation directly impact the quality of life and health, and to live in a hygienic atmosphere, that has been recognised as a fundamental right that flows from Article 21. This includes the right to protection of ecological balance and sustainable development.

C. Privacy as an Aspect of Dignity

The recognition of privacy as a fundamental right has been an important development in the constitutional history of India. *Justice K.S. Puttaswamy v. Union of India* (2017)¹³ was a nine-judge benched decision, wherein the Supreme Court declared that right to

⁹ *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180.

¹⁰ *Francis Coralie Mullin v. Union Territory of Delhi*, AIR 1981 SC 746.

¹¹ *Parmanand Katara vs Union Of India & Ors* (1989).

¹² *M.C. Mehta v. Union of India*, AIR 1987 SC 1086.

¹³ *Justice K.S. Puttaswamy v. Union of India*, AIR 2017 SC 4161.

privacy is an intrinsic part of the right to life and personal liberty under Article 21. The court held that dignity cannot exist without privacy. The judgement established that the right to make intimate choices regarding one's body, mind, and personal relationships is central to human dignity.

D. Right to Speedy Trial and Fair Procedure

“Justice delayed is justice denied,” and prolonged trial processes could severely undermine an individual's identity. The right to speedy trial, access to legal aid, and a fair investigative and judicial process are crucial in order to uphold the dignity of an accused or a victim. Any procedure that is arbitrary, oppressive, or unduly prolonged violates the dignity of an individual.

E. Right against Inhuman Treatment

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The right to dignity also protects an individual from cruel, inhuman, or degrading treatment in custody or otherwise. This right protects an individual from torture, solitary confinement, handcuffing, custodial violence, or any form of treatment that would be inhuman or degrading to an individual. The state has the obligation to ensure that every individual, whether in custody or not, is treated with dignity.

F. Dignity, Gender, and Sexual Orientation

The principle of dignity is an important principle that has been used by the judiciary to cut costs through archaic laws and social prejudices that marginalized some groups on the basis of gender or sexual orientation.

In *Navej Singh Johar v. Union of India* (2018), the Supreme Court struck down Section 377 of the Indian Penal Code, thereby decriminalizing homosexual acts between adults. The Supreme Court relied on the principle of dignity to pass the judgement. The judgement stated that “criminalizing sexual identity is the denial of the right to dignity.” The judgement was a clear affirmation of the fact that LGBTQ+ persons are entitled to the full gamut of constitutional rights available to every citizen of this country to live their lives without the fear of prosecution.

In *Vishakha v. State of Rajasthan* (1997)¹⁴, the Supreme Court recognized that sexual harassment at the workplace is a violation of the fundamental rights of gender equality and the right to life and liberty. The Court on the basis of this laid down “Vishakha Guidelines” in order to prevent and redress sexual harassment, thereby grounding these protections in the inviolable dignity of women. The Court further observed that a safe working environment is a necessary precondition for a woman to exercise her right to practice any kind of a profession with dignity.

G. Right to Die with Dignity

In certain cases, the Supreme Court has also considered the issue of the right to die with dignity, especially when the patient is terminally ill and in an irreversible state of coma. This is a situation where the autonomy of the individual is recognized to make a choice regarding the end of life, without any suffering, as an essential part of the dignity of life.

In *Common Cause v. Union of India* (2018)¹⁵, the Supreme Court recognized the right to die with dignity as a fundamental right. In this case, the Supreme Court allowed the practice of passive euthanasia for terminally ill patients and validated the execution of “living wills.” The bench of the Supreme Court was of the view that forcing a patient to undergo treatment when they do not wish to do so and when there is no scope of cure, impacts the dignity of the patient. It was recognized that the dying process is an essential part of life, and the individual has the right to die with dignity and without suffering.

5. THE EXPANSIVE CONSTITUTIONAL VISION OF THE RIGHT TO DIGNITY UNDER ARTICLE 21

The Right to Dignity under Article 21 of the Indian Constitution is a fundamental concept which lies at the heart of our democracy. The following reasons should be considered in understanding the concept of dignity:

¹⁴ *Vishakha v. State of Rajasthan*, AIR 1997 SC 3011.

¹⁵ *Common Cause v. Union of India*, AIR 2018 SC 1665.

Dignity as the Foundation of Rights: Dignity is an essential element for the fundamental rights. Without it, rights such as equality, freedom, and justice lose their meaning. When a person is not treated with dignity, they cannot exercise their freedom of speech or claim equality before the law. Dignity helps to recognise the inherent value of every individual, ensuring that everyone is treated with respect.

Dignity is Dynamic and Evolving: Our Constitution is a living document that must adapt to the changing times. Dignity needs to evolve with societal norms, technological advancements, and new human rights challenges. Courts tend to play a crucial role in ensuring that the concept of dignity remains relevant, especially when addressing issues relating to digital privacy, environmental protection, and new forms of discrimination.

Advancing Social Justice: To recognise dignity as a fundamental right helps to combat discrimination and exploitation, which are direct attacks on the human dignity. When Courts uphold this right, they empower marginalized communities and turn the promises of the Constitution into real protections, fostering a more inclusive society where everyone is respected.

Restraining Arbitrary State Action: Article 21 serves as a safeguard against government overreach and unjust laws. It thereby mandates that any deprivation of life or liberty must be fair, reasonable, and respectful of human dignity. This helps to protect citizens from authoritarian actions.

Autonomy and Self-Determination: Dignity includes the right to make personal choices about one's identity, body, and relationships. The Supreme Court in *Navtej Singh Johar v. Union of India* (2018)¹⁶ highlighted that interference in matters of identity and intimacy violates the essence of dignity.

Beyond Mere Survival: Dignity is more than just survival. It helps to encompass psychological, emotional, and social well-being. A dignified life means living that is free from fear, humiliation, and degradation. It places a responsibility on the state to create conditions that allow individuals to thrive.

¹⁶ *Navtej Singh Johar v. Union of India*, AIR 2018 SC 4321.

Inseparable from Non-Discrimination and Socio-Economic Justice: Dignity demands equal respect for all, regardless of caste, gender, religion, or sexual orientation. It imposes a duty on the state to ensure access to basic necessities like education, healthcare, and housing. This makes Article 21 a powerful tool for promoting human development and social change.

6. FACTUAL ILLUSTRATIONS AND DATA POINTS

NCRB Data and Custodial Statistics: According to the National Crime Records Bureau (NCRB) data, custodial deaths remain a pressing concern. In the recent years, reports indicate that over 1800 people die in judicial or police custody annually across the country. Such statistics highlights the systemic issues within the criminal justice machinery that continue to threaten the dignity of the detained people. Furthermore, over 75% of India's prison population consists of undertrials, many of whom languish in overcrowded jails for years, often exceeding the term of imprisonment they would have faced if convicted.

Eviction without rehabilitation: Slum evictions often result in loss of shelter and livelihoods and thereby portrays that how state action can strip dignity by depriving basic survival resources.

Denial of gender affirming recognitions and health services: Transgender persons denied identity documents or medical care face systematic dignity violations.

Forced sterilisation and reproductive coercion: Public health measures that coerce reproductive choices violate bodily integrity and dignity.

7. CONCLUSION: THE FUTURE OF DIGNITY JURISPRUDENCE

The evolution of Article 21 marks a transformative phase in the Indian constitutional journey. Dignity functions not only as a shield against arbitrary state action but also as a source of emerging rights such as digital privacy and the Right to be Forgotten. Furthermore, with technological advancements, dignity continues to evolve and expand, ensuring that the individual remains at the heart of the constitutional framework.

Right to Dignity comprehensively includes privacy, bodily integrity, livelihood, identity, and protection from degrading treatment. Landmark judgements such as Maneka Gandhi, Francis

Coralie Mullin, Olga Tellis, Puttaswamy, Navtej Singh Johar, and Common Cause demonstrates how dignity protects both negative liberties and positive entitlements.

Dignity under Article 21 is not only a constitutional doctrine but a moral core of Indian democracy. Its continued relevance will further depend on harmonizing judicial vision with legislative action and public policy, so that every individual can truly live with honour, equality, and self-respect.