

BLOGS

Article 21 and the Constitutional Idea of Dignity

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If there is one provision that captures the soul of Indian constitutionalism, it is Article 21. Yet, for CLAT PG, it should not be tempted to be a warehouse of rights. The phrasing of article 21 is more beneficial as a methodology, a means by which the courts measure how the State treats people in the normal, day-to-day circumstances.

The early understanding of Article 21 was narrow. In **A.K. Gopalan v. State of Madras**^[1] (1950), the Supreme Court treated each fundamental right was independent of others. “Procedure established by law” meant any procedure enacted by the legislature, however harsh or inhumane it is. Thus, liberty was formal and not substantive.

This has been overturned in **Maneka Gandhi v. Union of India**^[2] (1978). The Court denied compartmentalisation and said that Articles 14, 19 and 21 constituted a “golden triangle”. The deprivation of a life or liberty should be reasonable, fair and just to a person. This was the beginning of the transition of India into substantive due process. Article 21 ceased being about the survival, but about how we live life.

Henceforth, the Court started interpreting dignity into normal administration. In **Francis Coralie Mullin v. Administrator, Union Territory of Delhi**^[3], the Court noted the right to life also entails right to live with human dignity that entails food, clothing, shelter and expression. This is important since it transforms Article 21 to a positive obligation, the State has the duty to establish the conditions of dignified existence.

This rationale is evident in **Olga Tellis v. Bombay Municipal Corporation**^[4]. Pavement dwellers were technically encroachers, however, the Court believed that the eviction without rehabilitation would impact on their right to livelihood, which is a part of the right to life. The decision does not take away the power of the State; it constitutionalises the manner in which the power should be exercised.

Similarly, in **Paschim Banga Khet Mazdoor Samity v. State of West Bengal**^[5], a man who was refused life-threatening medical care had their claim to have been violated under Article 21. The Court has stated that human life preservation is of utmost importance and the inability of

state hospitals to offer timely care is a violation of constitutional obligation.

In custody and prison, dignity is even truer to the point.

- In *Sunil Batra v. Delhi Administration*[6], torture and solitary confinement were held incompatible with Article 21.
- In *Hussainara Khatoon v. State of Bihar*[7], prolonged detention of undertrial prisoners without trial was declared unconstitutional, giving rise to the right to speedy trial.
- In *Sheela Barse v. State of Maharashtra*[8], the violence against women as custodial was regarded as a personal insult to liberty and dignity.

These instances teach a lesson: Article 21 infiltrates areas where the individual is most powerless which is prison, police custody, hospital corridors, pavements and constitutionalises such areas.

Further in ***Justice K.S. Puttaswamy v. Union of India***[9]. Right to Privacy is viewed not only as a privilege of being left to yourself, but it is also the freedom of dignity and autonomy. The Court constructs a person as a constitutional subject, who has a control over personal choices, body and information.

Notably, the verdict brings in proportionality as a benchmark of state intrusion but instead any infringement on life or freedom should seek a justifiable cause, be required, and be the minimum of such restrictions.

Thus, Article 21 is effective on two planes:

1. Protective – saving individuals from arbitrary deprivation (as in *Maneka Gandhi*, *Hussainara*).
2. Aspirational – requiring the State to create dignified conditions of life (as in *Francis Coralie*, *Paschim Banga*, *Olga Tellis*).

In CLAT PG, this theme is manifested in the form of unknown patterns of facts. A migrant passage in the times of lockdown could implicitly be based on *Olga Tellis* and *Francis Coralie*. One of the statements about healthcare infrastructure refers to *Paschim Banga*.

One of the passages about digital surveillance or biometric data is based on *Puttaswamy*. The meaning of undertrials or prison reforms in one of the passages reminds *Hussainara Khatoon* and *Sunil Batra*.

The exam is not demanding whether you remember the case name in isolation. It is testing whether you recognise the *constitutional movement*: from life as mere existence to life as

dignified living.

When you read a passage, ask:

- Is it the person who has been downgraded to a working part of the machine?
- Is harm being caused in a legal but humanly terrible way?
- Is it efficiency, order, or policy which the State is putting above dignity?

If yes, Article 21 is at work.

Understanding this theme allows you to map cases not as scattered authorities, but as a coherent constitutional story—one where the Constitution insists that governance must see the human being before it sees the file. It is this intellectual sharpness that distinguishes recall and reasoning and this is what CLAT PG rewards.

In studying this theme, do not consider each case as a phenomenon to memorise. Attempt to cluster them on one single concept: Article 21 is about leading a dignified life. Consider every case to be contributing to that notion. *Maneka Gandhi* adds fairness in procedure. *Olga Tellis* adds livelihood. *Paschim Banga* adds healthcare. *Hussainara Khatoon* adds speedy trial. *Puttaswamy* adds privacy. This way, you are not cramming names but you are creating a story.

While reading cases, do not jump to the conclusion. Stop and ask: what is the real-life issue that led to this case being taken to court? Who was suffering? What was the value that the Court was defending- freedom, dignity, fairness? This practice will assist you in realizing how the Court thinks, and not what it decides.

With passage questions, you should train yourself to find signals. Is someone powerless? Is someone powerless? Is some harm being inflicted, in a normal, “legal” manner by the State? Is a policy forgetting about human impact? These are solid indications of Article 21 participation, despite the fact that it is never referred to in the passage.

Attempt to associate the news and contemporary problems with the ancient cases. Migrant workers remind you of *Olga Tellis*. Hospital shortages connect to *Paschim Banga*. Digital tracking points to *Puttaswamy*. Undertrial prisoners take you back to *Hussainara Khatoon*. This makes revision feel natural, not forced.

Revise in simple layers. First, remember the core idea—life means dignity. Then there are the tools—fair procedure, State duty, proportionality. Only then fix the cases in place. When you study

Article 21 like this, it becomes a way of thinking, not a chapter to mug up. That is exactly what CLAT PG looks for.

References

- [1] (1950) SCC 228
- [2] (1978) 1 SCC 248
- [3] (1981) 1 SCC 608
- [4] (1985) 3 SCC 545
- [5] (1996) 4 SCC 37
- [6] (1978) 4 SCC 494
- [7] 1979 AIR 1369
- [8] (1983) 2 SCC 96
- [9] (2017) 10 SCC 1