



The fundamental rights and duties of the juveniles enshrined in the Constitution of India

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Abstract

Juveniles have been given certain rights enshrined in the constitution of India for their protection and welfare. This provision has been enacted considering the vulnerability of children and it has also emphasized the need for their special care and treatment within the framework of criminal justice system. Special provision for children including juveniles has been given in section 15(3) of the constitution for the advancement of education and society. Childhood is secured and youth exploitation is prohibited and compulsory and free education up to the age of 14 years has been dealt with under section 39(f) and 45 of the constitution. A separate juvenile justice court or system has been established under article 15(4) of the constitution where emphasis has been given for compassionate treatment and rehabilitation instead of taking punitive action. As per the principle of natural justice and fundamental rights right to fair trial and protection against cruel treatment has been given to everybody including juveniles. There is a strong framework in the India's juvenile justice acts where welfare and reformation of young offenders has been given priority rather punishing them. But still, it is a challenge for uniformly implementation and enforcement of the provision throughout the country. Government has undertaken a continuous effort for the improvement of juvenile justice system and in this way for protection of the rights of the child. A country's greatest gift and extraordinary blessings have been endowed upon the children. The progress of the country is dependent upon the children who have the greatest potential and they use human resources. The country's building unity, economic prosperity and political stability is dependent upon the children. Children owe certain fundamental duties towards the country.

Keywords: Rights and welfare of juvenile, vulnerability of children, criminal justice system, and youth against exploitation

Introduction

The rights and welfare of all the citizens including juveniles have been given protection in a just and equitable society by the constitution of India. The most vulnerable section of our Indian society is the child including juvenile who has not completed the age of 18 years who require special care and protection. In our Indian constitution several provisions have been made for the protection of interest of juveniles. Directive principles of state policy and fundamental rights

enshrined in the Indian constitution and legislation framed in this regard contained the said provisions for the protection of rights of juveniles.

Those constitutional provisions are

(1) Article 15(3) deals with the special provisions for women and children. Though not directly mentioned this article emphasizes the need for the state to take right step for the welfare of children including juveniles. Case law relating to this article:

Hansraj v. State of Uttar Pradesh	2025 INSC 1211	2025	Reinforced the retrospective application of the Juvenile Justice Act. Held that Article 15(3) mandates a "reformatory" rather than "punitive" approach for any individual who was a child at the time of the offense.
Dinesh Singh Chauhan v. State of Rajasthan	2026 INSC 44	2026	While dealing with bail in paper leak cases, the Court emphasized that crimes affecting students and children warrant stricter judicial scrutiny under the umbrella of protective discrimination provided by Article 15(3).

(2) Article 39(e) and (f): Directive principle of state policy contains this article when a direction has been given for giving opportunity and facility for the children to develop in

a healthy manner so that their childhood and youth will not be subjected to exploitation and moral and material abandonment. Case law relating to this article:

Om Prakash v. State of Uttarakhand	2025 INSC 15	2025	The Court commuted a life sentence because the accused was a juvenile in 1992. It held that Art. 39(e) & (f) require the JJ Act to be interpreted retrospectively to ensure no child is deprived of a "chance for reform" due to procedural delays.
Hansraj v. State of Uttar Pradesh	2025 INSC 798	2025	Reaffirmed that the State must act as a <i>parens patriae</i> . Invoked Art. 39(f) to rule that detention of a juvenile beyond the statutory limit of 3 years is a violation of the constitutional mandate to protect the "tender age" of children.
Lokesh Kumar v. State of Chhattisgarh	2025 INSC 134	2025	Focused on the "Principle of Fresh Start" (Sec 3 of JJ Act). Held that reflecting a juvenile record in a character certificate violates Art. 39(f) as it prevents the child from developing in a condition of "dignity" and freedom from stigma.

Article 45 gives emphasis for early childhood care and education specially giving emphasis on free and compulsory education to children below 6 years.

Article 21 gives the right to life and personal liberty to all individuals including juveniles. Case law relating to this article:

Hansraj v. State of Uttar Pradesh	2025 SCC On-line SC 2193; Neutral Citation: 2025 INSC 1211	2025	The Supreme Court held that continued detention of a person who was a juvenile at the time of the offence beyond the maximum 3-year period prescribed under the Juvenile Justice Act, 2000 violates Article 21 (Right to Life and Personal Liberty). The Court ordered immediate release and held that the JJ Act applies retrospectively. (SCC Online)
Vinod Katara v. State of Uttar Pradesh	(2023) 15 SCC 210	2023	The Court reaffirmed that juvenility claims must be considered even at later stages of proceedings and emphasized the reformative approach of juvenile justice laws consistent with Article 21 protections of liberty and dignity. (theindianlawyer.in)
Dharambir v. State (NCT of Delhi)	(2010) 5 SCC 344		The Supreme Court held that persons below 18 years at the time of the offence must be treated as juveniles, even if the claim of juvenility is raised after conviction. The judgment reinforced the constitutional guarantee of liberty under Article 21. (thelegalaffair.com)
Pratap Singh v. State of Jharkhand	(2005) ^[13] 3 SCC 551	2005	Constitution Bench clarified the applicability of the Juvenile Justice Act, 2000 to pending cases and emphasized the welfare-oriented approach toward children in conflict with law, aligning with Article 21's guarantee of fair procedure. (thelegalaffair.com)
Hari Ram v. State of Rajasthan	(2009) ^[14] 13 SCC 211	2009	The Supreme Court held that the benefit of juvenility must be extended retrospectively, even if the accused had crossed 18 years by the time the case reached court. The Court linked juvenile protection to constitutional safeguards under Article 21.
Jarnail Singh v. State of Haryana	(2013) ^[26] 7 SCC 263	2013	The Court laid down guidelines for determining juvenility, including reliance on school records and birth certificates. Ensured procedural fairness consistent with Article 21's requirement of just, fair, and reasonable procedure.
Shabnam Hashmi v. Union of India	(2014) ^[27] 4 SCC 1	2014	The Court recognized the right to adopt under the Juvenile Justice Act as a statutory right available to all citizens irrespective of religion, reinforcing child welfare principles linked with the dignity component of Article 21.
Subramanian Swamy v. Raju (Juvenile Justice Board Case)	(2014) 8 SCC 390	2014	The Court upheld the constitutional validity of the Juvenile Justice Act's differential treatment of juveniles, stating that rehabilitation of children in conflict with law is consistent with Article 21 and principles of child welfare.

Article 23 gives protection against exploitation of child labour. Here indirectly concern has been given regarding exploitation of child labour.

Article 24 prohibits the employment of children below 14

years in hazardous industries It indirectly reflects commitment for protection of physical and mental health of all children including juveniles. Case law relating to this article:

1	Bachpan Bachao Andolan v. Union of India	(2011) 5 SCC 1	2011	The Supreme Court addressed child trafficking and child labour in circuses, holding that such exploitation violates Article 23 and directing rescue, rehabilitation, and application of protections under the Juvenile Justice Act for rescued children. (CaseMine)
2	Re: Exploitation of Children in Orphanages in the State of Tamil Nadu v. Union of India	(2011) 5 SCC 1	2011	The Court issued nationwide directions for registration and regulation of Child Care Institutions under the Juvenile Justice Act to prevent trafficking, abuse, and exploitation of children, emphasizing constitutional protection against exploitation under Articles 23 and 24. (Indian Kanoon)
3	In Re: Children in Street Situations v. Union of India	(2022) 5 SCC 401	2022	The Court directed governments to protect street children and victims of trafficking, ensure recording of evidence of trafficked child victims, and apply rehabilitation mechanisms under the Juvenile Justice Act, linking child exploitation with Article 23 protections. (Indian Kanoon)
4	(2011) 5 SCC 1		2011	The Supreme Court directed strict enforcement of laws against child trafficking and child labour and ordered the rescue and rehabilitation of trafficked children through mechanisms consistent with the Juvenile Justice Act.
5	Re: Exploitation of Children in Orphanages in the State of Tamil Nadu v. Union of India	(2017) 7 SCC 578	2017	The Court mandated registration and monitoring of Child Care Institutions under the Juvenile Justice Act, 2015 to prevent exploitation and trafficking of children, linking such exploitation with violations of Article 24.

Article 39 (A): Though not expressly mentioned but indirectly this article supports the rights of juveniles where

fair legal process and access to justice has been given by giving free legal aid. Case law relating to this article:

1	Sheela Barse v. Union of India	(1986) ^[12] 3 SCC 596; AIR 1986 SC 1773	1986	The Supreme Court held that children detained in jails must be provided legal assistance and produced before juvenile courts, emphasizing free legal aid and protection of minors in custody consistent with Article 39A and juvenile justice principles.
2	Hussainara Khatoon v. State of Bihar	(1980) 1 SCC 81; AIR 1979 SC 1360	1979–1980	Landmark judgment recognizing free legal aid as a fundamental requirement of fair procedure, especially for poor prisoners and juveniles. The Court linked access to legal representation with Article 39A and the right to speedy trial.
3	Khatri (II) v. State of Bihar (Bhagalpur Blinding Case)	(1981) 1 SCC 627; AIR 1981 SC 928	1981	The Court held that legal aid must be provided at the earliest stage of criminal proceedings, including to children and indigent accused, reinforcing the constitutional mandate of Article 39A.

5	Bachpan Bachao Andolan v. Union of India	(2011) 5 SCC 1	2011	The Court addressed child trafficking and child labour, directing rescue and rehabilitation of children and emphasizing the need for legal aid and institutional care under the Juvenile Justice Act, consistent with Article 39A's mandate of equal access to justice.
6	Re: Exploitation of Children in Orphanages in the State of Tamil Nadu v. Union of India	(2017) 7 SCC 578	2017	The Supreme Court ordered mandatory registration and monitoring of Child Care Institutions under the Juvenile Justice Act, 2015, ensuring legal protection and access to justice for vulnerable children.

Even if there is express constitutional provision, still in India there is provision for juvenile justice care and protection act for the protection of the rights and issues of juveniles. In this act provision has been for constitution of juvenile justice board and child welfare committee for proper implementation of the provision.

Conceptual Analyses of Constitutional Provisions Relating to Juveniles in India

Rights and wellbeing's of young people including juveniles are given the utmost importance and hence Indian constitution has made several provisions for protection of interest and rights of juveniles. Since juveniles are the vulnerable section of our Indian society, who require special protection, care, safeguards thereby such provision have been contained Indian constitution. Several basic principles and concepts have been contained in the Indian constitution for protection, development and rehabilitation of juveniles.

- 1. Right to equality and non-discrimination:** Article 14 contains the principle of equality where equality is given to all individuals including juveniles and there is no discrimination in any case. There is absolute prohibition of unjust treatment and equal protection is given to all the juveniles.
- 2. Best interest of the child:** various international treaty has also given emphasis on best interest of the child. Article 39(f) and other provisions contains that welfare of child is to be of the utmost importance.
- 3. Right to life and personal liberty:** Fundamental right to life and personal liberty is protected in article 21 of the constitution to all individuals including juveniles. Juveniles should be protected from harm and should be provided with an environment conducive to their physical, emotional and mental wellbeing.
- 4. Protection against exploitation:** Under article 23 and 24, exploitation of children including juveniles have been prohibited by way of prohibiting child labour and trafficking.
- 5. Right to education:** Right to education to all the children between the age group of 6 to 14 years has been provided in article 21 of the constitution where provision has been made for assessment of juveniles to quality education, their promotion of hostility development and reducing their involvement in criminal activities.
- 6. Directive principle of state policy:** State has formulated certain policies and laws for the best interest of the child including juveniles in the directive principles of state policy. Article 15(3), 39(e), and 45 contains the provisions for the protection and promotion of the rights of juveniles.

7. Rehabilitation and reformation: Rehabilitation and reformation of juveniles has been given great importance in our Indian constitution. This concept of rehabilitation and reformation though not explicitly mentioned in the Indian constitution has been reflected in the juvenile justice care and protection act.

8. Juvenile justice system: A separate juvenile justice system distinct from adult criminal justice has been enshrined in the Indian constitution. Rehabilitation of juveniles rather than punishment is being given prime importance.

Judicial trends on fundamental rights and duties of juveniles

Sheela Barse vs. union of India (1986) ^[12]

Petion was filed asking the court to release the children under 16 years of age kept in jail in different states. Here Supreme Court observed that it is settled principle of law that children must not be confined to prisons, like adult criminals as it would have harmful effects on them that would affect their growth and development which is indirectly implicit in article 23 of the Indian constitution.

Pratap Singh vs. state of Jharkhand (2005) ^[13]

In this case the appellant was a minor on the date when the crime was committed. Case was transferred to juvenile court. After decision of that court, it was affirmed by high court and above all Supreme Court held that the date of occurrence of the crime as the criteria to determine the age of juvenile rather than the date on which such a person was produced before the court. The honourable Supreme Court explained the importance of United Nations standard minimum rules for the administration of juvenile justice act 1985 and this rule are applicable to every juvenile without any discrimination irrespective of their nationality, caste, race, or religion.

Hari ram vs. state of Rajasthan (2009) ^[14]

Person named as Hariram was accused of committing many criminal offences. The issue was related to his age. Here the issue before Supreme Court was which act would be applicable to the accused. The court held that all the pending case would be dealt with according to the 2000 act after its enactment.

Abdul Hossain @ Gulam Hossain vs State of West Bengal (2012) ^[15]

Appeal was made by the appellate court regarding juvenility on the date when crime was committed. Supreme Court held that claim can also be raised even after the final disposal of the case.

Jarnail Singh v state of Haryana (2013) ^[26]

The Supreme Court held that rules determining the age of juveniles under juvenile justice care and protection rules

2007 can be applicable in cases related to protection of children from sexual offences act 2012.

Shabnam Hasim vs. Union of India (2014)^[27]

This case is related to the adoption of children under juvenile justice act 2000. A petition was filed in this case by Shabnam Hasmi, a Muslim woman who adopted a girl requesting that court recognise the right to adopt as a fundamental right under part third of the constitution.

Here Supreme Court recognised the right to adopt as a fundamental right.

Dr. Subramaniam Swamy vs. Raju through member juvenile justice board (2014)^[28]

In this case Supreme Court held that language of the statute is plain and unambiguous and provides a clear legislative intention of rehabilitating and restoring of juveniles. It has classified people below 18 years of age as juveniles whose investigation and punishment are done differently as compared with adult criminals. Constitution does not forbid such categorisation, which is based on intelligible differentia having a rational nexus with the objective sought. The social activist directed the attention of the court towards various provisions in the constitution which impose a duty on the state govt to ensure welfare and development of children and their failure to do.

Suggestion

There are certain suggestions which has to be given for enhancement of protection, rights, and wellbeing's of juveniles in the constitutional provisions.

1. Special provision should be made for the juveniles to protect their, development, education, health, and participation.
2. Age-appropriate justice-There should be provision that legal proceedings including juveniles should be conducted in a manner that is age-appropriate sensitive.
3. Restorative justice emphasis- There should be provisions that importance of restorative justice practice for juvenile offenders, reconciliation, restitution.
4. Non-discrimination-There should be provision of prohibition of discrimination against juveniles based on factors such as gender, caste, religion, disability ensuring equal protection of the law.

Conclusions

Children are the most vulnerable section of the society and it is essential for the legal machinery of our state to protect their life, dignity, health as well as usual optimum growth. Since our Independence the constitution of India along with the apex court has contributed in the protection and preservation of childhood and innocence of the juveniles. The researcher highlighted various legal provisions and case laws relating to constitutional provisions of juveniles. Constitutional provisions relating to juveniles are of utmost importance for development of a just, compassionate and future oriented society. Vulnerability and potential of young individuals including juveniles has been recognised by these constitutional provisions and the constitution of India has given a strong commitment for hostility development, protection and participation.

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