
CONSTITUTIONALISM AND HUMAN RIGHTS IN INDIA: CHALLENGES IN ENFORCEMENT AND THE ROLE OF THE JUDICIARY

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ABSTRACT

This paper provides a critical examination of the relationship between constitutionalism and human rights in India, emphasizing the judiciary's role as a key protector of constitutional rights. It contends that despite having a strong constitutional framework, the practical achievement of human rights is still hindered by structural and institutional weaknesses. Utilizing a doctrinal approach, the research explores constitutional provisions, foundational principles, and significant judicial rulings, such as *Kesavananda Bharati v. State of Kerala*, *Maneka Gandhi v. Union of India*, *Vishaka v. State of Rajasthan*, and *Justice K.S. Puttaswamy v. Union of India*, to illustrate how judicial creativity has broadened the interpretation of fundamental rights, especially under Article 21.

The paper argues that tools like public interest litigation have improved access to justice and fortified rights-based governance. Nonetheless, ongoing difficulties such as socio-economic disparities, bureaucratic inefficiency, and legal delays persist in hindering enforcement efforts. It concludes that although the judiciary has played a crucial role in promoting human rights law, the strengthening of constitutionalism in India ultimately relies on institutional accountability, effective execution, and ongoing structural reform.

Keywords: Constitutionalism, Human Rights, Judicial Review, Public Interest Litigation, Article 21, Access to Justice.

I. INTRODUCTION

Constitutionalism in India embodies the principle that state power must be exercised within the limits prescribed by a supreme written Constitution. Rooted in the ideals of the independence movement and formalized with the adoption of the Constitution in 1950, it establishes the Constitution as the grundnorm, ensuring that all legislative, executive and judicial actions remain subordinate to constitutional mandates.¹ At its core, constitutionalism reflects a commitment to limited government, the rule of law and the protection of individual freedoms through institutional checks and balances, with judicial review serving as a crucial mechanism for maintaining constitutional supremacy.²

Within this framework, human rights occupy a central position as enforceable guarantees under Part III of the Constitution.³ These rights, encompassing equality, liberty and protection against arbitrary state action, are designed to secure human dignity and promote justice in a diverse and pluralistic society.⁴ The judiciary has further expanded the scope of these rights, particularly under Article 21, to include a broader conception of life that goes beyond mere physical existence to incorporate dignity, privacy and overall well-being.⁵ In this sense, human rights in India are not merely abstract ideals but legally protected entitlements that impose binding obligations on the state.

The relationship between constitutionalism and human rights is inherently interdependent. Constitutionalism provides the structural and normative framework within which human rights are recognized and enforced, while human rights constitute the substantive content that gives constitutionalism its legitimacy and purpose.⁶ This interrelationship is sustained through the interpretative role of the judiciary, which acts as a mediator between constitutional principles and their practical application. Through judicial review and evolving interpretations of fundamental rights, the courts have played a significant role in transforming constitutional guarantees into effective instruments of justice.⁷

¹ Granville Austin, *Working a Democratic Constitution: The Indian Experience* (Oxford Univ. Press 1999).

² M. P. Jain, *Indian Constitutional Law* (8th ed. LexisNexis 2016).

³ INDIA CONST. pt. III, arts. 12–35.

⁴ Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 (Dec. 10, 1948).

⁵ *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248; *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

⁶ Upendra Baxi, *The Future of Human Rights* (Oxford Univ. Press 2008).

⁷ *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225.

Despite the presence of a comprehensive constitutional framework, the realization of human rights in India remains uneven. Structural and institutional challenges continue to impede effective enforcement, including socio-economic inequalities, administrative inefficiencies and delays within the judicial system.⁸ These limitations often result in a gap between constitutional promises and their actual implementation, particularly for marginalized sections of society. The persistence of such challenges raises critical questions about the capacity of existing institutions to ensure meaningful access to rights and justice.

In this context, the judiciary has emerged as a pivotal institution in safeguarding human rights and strengthening constitutionalism. Through mechanisms such as judicial review and public interest litigation, the courts have expanded access to justice and addressed instances of state inaction or overreach.⁹ Judicial interventions have significantly contributed to the development of human rights jurisprudence by interpreting constitutional provisions in a progressive and purposive manner. At the same time, the increasing reliance on judicial mechanisms also highlights broader concerns regarding institutional capacity and the limits of judicial intervention.

This paper adopts a doctrinal approach to examine the relationship between constitutionalism and human rights in India, with a particular focus on the role of the judiciary in their enforcement. By analysing constitutional provisions, key doctrines and judicial decisions, the study seeks to evaluate both the contributions and limitations of the judiciary in addressing the challenges associated with human rights enforcement within the constitutional framework.

II. CONSTITUTIONAL FRAMEWORK OF HUMAN RIGHTS IN INDIA

The evolution of human rights in India unfolds as a rich tapestry woven from ancient philosophical strands, colonial resistance movements, and post-independence constitutional craftsmanship, reflecting a journey from moral imperatives rooted in Vedic notions of dharma and Buddhist emphasis on ahimsa to modern legal entitlements that confront the complexities of a pluralistic democracy. Long before formal codification, texts like the Arthashastra articulated protections for vulnerable groups against exploitation, while Emperor Ashoka's edicts in the third century BCE promoted tolerance and welfare, laying early groundwork for rights consciousness that echoed through medieval Bhakti movements challenging caste

⁸ S. P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford Univ. Press 2002).

⁹ S. P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford Univ. Press 2002).

rigidities and Mughal accommodations of diverse faiths. The advent of British colonialism introduced Western liberal ideas via charters like the Regulating Act of 1773 and Pitt's India Act, yet these often served imperial interests, prompting Indian reformers such as Raja Ram Mohan Roy to advocate against sati through petitions invoking natural rights, and the Ilbert Bill controversy of 1883 exposing racial hypocrisies that galvanized demands for equality under law.¹⁰

This momentum intensified during the freedom struggle, where the Indian National Congress's early resolutions, starting from its 1885 inception, called for civil liberties, culminating in the Commonwealth of India Bill 1925 often termed the Swaraj Bill that envisioned fundamental rights including free speech, property safeguards, and judicial independence, influencing subsequent Nehru Reports of 1928 that outlined a bill of rights blueprint. Mahatma Gandhi's satyagraha campaigns embodied human rights praxis, emphasizing non-violent resistance against discriminatory laws like the Rowlatt Act 1919, while Dr. B.R. Ambedkar's advocacy for untouchables highlighted socio-economic dimensions, pressuring the colonial government to concede provincial autonomy under the 1935 Act that incorporated limited rights protections. The Quit India Movement of 1942 further underscored collective rights to self-determination, setting the stage for the Constituent Assembly's deliberations from 1946, where diverse voices debated integrating global influences like the Atlantic Charter and Irish Constitution's directive principles with indigenous ethos.

Adopted in 1949 and effective from 1950, the Indian Constitution marked a watershed, enshrining seven categories of fundamental rights in Part III equality, freedom, against exploitation, religious practice, cultural-educational, property (later omitted), and remedies mirroring yet indigenizing the Universal Declaration of Human Rights 1948, to which India contributed as a founding UN member. Early judicial interpretations remained conservative, as in A.K. Gopalan 1950 upholding preventive detention under Article 21's narrow procedural lens, but the post-Emergency era catalyzed transformation, with the 44th Amendment 1978 restoring rights curtailed during 1975-1977 excesses and reinforcing Article 21's substantive due process via Maneka Gandhi 1978, which interlinked Articles 14, 19, and 21 into a golden triangle demanding fairness, reasonableness, and non-arbitrariness in state actions.¹¹

¹⁰ Amartya Sen, *Development as Freedom* (Oxford Univ. Press 1999).

¹¹ S. P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford Univ. Press 2002).

Judicial dynamism propelled further evolution, as the Supreme Court in the 1980s expanded Article 21 to embrace livelihood in *Olga Tellis* 1985 for pavement dwellers, environmental sanctity in *Subhash Kumar* 1991, and education as a fundamental entitlement via the 86th Amendment 2002 inserting Article 21A. The basic structure doctrine from *Kesavananda Bharati* 1973 immunized core rights against amendments, while *Minerva Mills* 1980 harmonized Part III with Part IV's directive principles, birthing socio-economic rights jurisprudence like free legal aid under Article 39A and health in *Parmanand Katara* 1989 mandating emergency care. Public Interest Litigation relaxed locus standi, enabling epistolary jurisdictions in *Hussainara Khatoon* 1979 addressing undertrial horrors and *Bandhua Mukti Morcha* 1984 eradicating bonded labor, thus democratizing rights enforcement for the marginalized.

The fundamental rights enshrined in Part III of the Indian Constitution from Articles 12 to 35 form the indubitable core of human rights protections, embodying constitutionalism's pledge to circumscribe state power and exalt individual dignity amid India's vast social mosaic, with the judiciary ceaselessly interpreting these to confront enforcement lacunas like discriminatory practices and custodial excesses through expansive readings that bridge textual limits with lived realities.¹²

The right to equality, articulated in Articles 14 to 18, stands as the great equalizer in India's constitutional edifice. The right to freedom under Articles 19 to 22 pulses with vitality, granting six freedoms in Article 19 - speech and expression, assembly, association, movement, residence, and profession to all citizens, subject to reasonable restrictions for sovereignty, public order, or morality, enabling vibrant dissent yet tempered against communal flare-ups, as courts expand speech to digital realms while striking overbroad sedition under Section 124A. The right against exploitation in Articles 23 and 24 strikes at the root of human dehumanization, prohibiting trafficking, forced labor, and beggar, under Article 23. Article 24 forbids child employment under 14 in hazardous industries.

Articles 25–28 protect India's pluralism, Article 25 guarantees freedom of conscience and religion subject to public order, morality, and health, enabling reforms like *Sabarimala* and invalidating practices like triple talaq, Article 26 grants denominations autonomy subject to state regulation (as in *Shirur Mutt*), Article 27 bars taxes for promoting any religion, and Article

¹² INDIA CONST. pt. III, arts. 12–35.

28 prohibits religious instruction in state-funded institutions. Cultural and educational rights under Articles 29 and 30 preserve minority identities in India's diversity cauldron. The right to constitutional remedies in Articles 32 and 226 crowns Part III as its heart and soul, per Ambedkar, empowering Supreme Court writs habeas corpus, mandamus, prohibition, certiorari, quo warranto for fundamental rights enforcement, with Article 32's suspension only during emergencies underscoring nonderogability, while High Courts' Article 226 broadens access regionally.

Directive Principles of State Policy, enshrined in Part IV of the Indian Constitution from Articles 36 to 51, embody the framers' visionary blueprint for a welfare state, laying down non-justiciable yet morally imperative guidelines that compel the state to pursue social, economic, and political justice, transforming the governance paradigm from mere negative restraints on power to proactive instruments of equitable transformation in a society riven by poverty, illiteracy, and inequality. Unlike the enforceable mandates of fundamental rights, these principles serve as a constitutional conscience, binding lawmakers and executives to prioritize the common good over partisan expediency, drawing inspiration from the Irish Constitution to infuse Gandhian ideals of village selfreliance, socialist redistribution, and liberal humanitarianism into India's developmental ethos, ensuring that human rights extend beyond civil liberties to encompass socioeconomic entitlements essential for dignified living amid post-colonial reconstruction challenges.

Constitutionalism in the Indian context emerges as a uniquely tailored doctrine that fuses global principles of limited government with indigenous imperatives of social equity and pluralistic harmony, manifesting through a written Constitution that not only structures power but actively restrains it to prevent the recurrence of colonial despotism or feudal tyrannies in a nation of staggering diversity spanning linguistic, religious, and caste fault lines.

The doctrine of rule of law forms the bedrock of Indian constitutionalism, embodying A.V. Dicey's triad of supremacy of law, equality before law, and constitutional protections against arbitrary state action, adapted to India's context where Article 14 explicitly guarantees equality before law and equal protection within the territory, ensuring no person from the highest officeholder to the humblest laborer stands above legal accountability in a nation emerging from colonial privileges that once shielded British officials from native jurisdiction.

The doctrine of separation of powers in the Indian constitutional framework operates not as a

rigid compartmentalization but as a dynamic system of functional differentiation and mutual checks, ensuring that legislative, executive, and judicial organs remain distinct in their core responsibilities while interdependently restraining each other to prevent concentration of authority that could erode human rights or democratic accountability in a diverse nation prone to regional fissures and populist surges.

Judicial review stands as the crowning feature of Indian constitutionalism, empowering courts to scrutinize and nullify legislative, executive, or administrative actions that contravene the Constitution's supreme mandate, ensuring that no organ of state transcends its bounded authority while safeguarding human rights as inviolable entitlements against majoritarian overreaches or bureaucratic tyrannies in a democracy forged from colonial oppression.

The basic structure doctrine stands as a judicially crafted shield within Indian constitutionalism, proclaiming that certain essential features of the Constitution democracy, secularism, federalism, judicial review, rule of law, and fundamental rights lie beyond Parliament's amending reach under Article 368, preserving the document's foundational identity against transformative alterations that could unravel its democratic essence or erode human rights protections in a nation navigating majoritarian pressures and socio-economic upheavals. Born from the Supreme Court's 13-judge bench in *Kesavananda Bharati v. State of Kerala* in 1973, this doctrine overruled earlier hesitations like *Shankari Prasad* and *Golaknath* by affirming Parliament's limitless power to amend while carving an implied limitation protecting the Constitution's basic structure, a conceptual masterstroke by Justice Hans Raj Khanna that balanced legislative supremacy with judicial guardianship, ensuring amendments serve rather than subvert the republic's core amid land reform upheavals and bank nationalizations challenging property rights. This principle immunizes human dignity and freedoms, interpreting Part III not as static but integral to the structure, compelling courts to scrutinize amendments altering rights' essence, from equality's substantive core to life's expansive dignity under Article 21 that blossomed into privacy, health, and environmental entitlements.

III. INTERNATIONAL HUMAN RIGHTS PERSPECTIVE

The international perspective on human rights crystallized in the aftermath of World War II's devastation, where the United Nations emerged as the vanguard institution forging a universal framework to prevent atrocities like genocide and totalitarian abuses, proclaiming in the 1948 Universal Declaration of Human Rights that every person possesses inherent dignity and

entitlements to life, liberty, security, equality before law, and freedoms of thought, expression, religion, and assembly, transcending national borders to bind states morally and progressively legally in pursuit of global justice. This declaration, adopted by the General Assembly without dissent from the eight abstaining powers including the Soviet bloc and Saudi Arabia, laid the cornerstone for the International Bill of Rights, complemented by the 1966 International Covenant on Civil and Political Rights guaranteeing protections against arbitrary arrest, torture, and discrimination alongside electoral participation rights, and its twin International Covenant on Economic, Social and Cultural Rights mandating progressive realization of education, health, work, and adequate living standards, reflecting indivisibility where civil liberties underpin socio-economic flourishing amid decolonization waves sweeping Asia and Africa.¹³

India's Constituent Assembly actively shaped this global edifice, with Hansa Mehta advocating gender-neutral language replacing "men" with "all human beings" in Article 1, while the nation's ratification of both covenants in 1979 integrated their spirit into domestic jurisprudence, as courts invoke ICCPR safeguards for fair trials under Article 21 or ICESCR aspirations reading into Directive Principles for food security and shelter, confronting enforcement disparities where urban elites access remedies faster than rural Dalits facing bonded labor. Regional instruments enrich this tapestry, from the European Convention on Human Rights policed by Strasbourg's court issuing binding judgments against states like Turkey for Kurdish suppressions, to the American Convention under San José's Inter-American system upholding indigenous land rights against extractive industries in Brazil, and Africa's Banjul Charter blending individual rights with communal duties suited to kinship societies, highlighting contextual adaptations where Western individualism meets collective welfare imperatives resonant with India's panchayat ethos.¹⁴

Enforcement mechanisms span treaty bodies like the Human Rights Committee reviewing state reports on ICCPR compliance, issuing general comments interpreting non-derogable cores like life and freedom from torture during emergencies, while special rapporteurs investigate thematic violations from extrajudicial killings to digital privacy erosions, their findings pressuring non-compliant regimes through Universal Periodic Reviews where peers recommend reforms amid China's Xinjiang deflections or Myanmar's Rohingya expulsions. The UN High Commissioner for Human Rights coordinates these, dispatching fact-finding missions

¹³ Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 (Dec. 10, 1948).

¹⁴ International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171.

to conflict zones like Gaza or Ukraine, amplifying voices silenced domestically, much as India's National Human Rights Commission draws inspiration yet grapples with recommendatory limits against police impunity in encounter deaths that international spotlights via Amnesty critiques.

This perspective profoundly influences Indian constitutionalism, where Supreme Court benches harmonize municipal law with treaty obligations absent direct enforceability, expanding Article 14 equality through CEDAW lenses against gender violence persisting in domestic spheres despite Vishaka protocols, or Article 23 anti-trafficking via Palermo Protocol alignments targeting sex work coercion networks evading raids. Challenges surface in sovereignty assertions, as India resists binding complaints under optional protocols fearing external meddling in Kashmir or Naxal corridors, yet judicial nods to CAT torture bans fortify DK Basu arrest guidelines, bridging global standards with local realities where undertrial overcrowding defies speedy trial covenants.¹⁵

IV. ROLE OF THE JUDICIARY IN PROTECTING HUMAN RIGHTS

The judiciary in India stands as the ultimate sentinel of human rights, wielding constitutional writ powers under Articles 32 and 226 to enforce Part III guarantees against executive or legislative encroachments, transforming static provisions into dynamic shields that evolve with societal exigencies from colonial hangovers to digital tyrannies, ensuring that constitutionalism's promise of dignity permeates even the remotest hamlets where state failures abound. Through landmark interpretations like Kesavananda Bharati's basic structure doctrine, courts have insulated core features democracy, secularism, federalism, and rule of law from amendment erosions, fortifying human rights as unassailable pillars amid populist dilutions or security overreaches that test Article 14 equality or Article 21 life's expanse. Public Interest Litigation revolutionized access, lowering locus standi barriers to amplify voiceless claims on bonded labor emancipations or environmental rehabilitations, compensating institutional voids where police impunity or administrative torpor mocks Directive Principles' welfare visions, judiciary stepping into policy interstices via Vishaka proactive edicts or DK Basu custodial protocols that preempt violations rather than merely remedying them.¹⁶

¹⁵ Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), Nov. 4, 1950, 213 U.N.T.S. 221.

¹⁶ H. M. Seervai, *Constitutional Law of India* (4th ed. Universal Law Publishing 1996).

This role crystallized post-Emergency repudiations, ADM Jabalpur's habeas suspension scars birthing 44th Amendment non-derogables during crises, courts reclaiming remedial supremacy as Article 32's heart-and-soul per Dr. Ambedkar, expanding horizons from A.K. Gopalan's procedural confines to Maneka Gandhi's golden triangle interlinking Articles 14, 19, and 21 demanding substantive due process and reasonableness against arbitrary arrests plaguing undertrial multitudes. Judicial independence via collegium evolutions post-Second Judges Case insulates benches from executive captures, enabling fearless strikes on ordinances bypassing legislatures or electoral bonds anonymizing corruption breaching informational rights, while High Courts mirror this vigor in federal mosaics where state governors' malafide delays face Article 226 writs restoring assembly mandates. Amid 5 crore pendency epidemics, fast-track courts for rape or POCSO claims and e-courts accelerations underscore adaptive resilience, NGT's specialized environmental benches compensating legislative inertia on sustainable development corollaries to clean life entitlements.

Global confluences enrich this guardianship, UDHR and ICCPR invoked as interpretive aids harmonizing municipal law with treaty aspirations sans direct enforceability, Puttaswamy privacy declarations weaving informational self-determination into liberty fabrics against Aadhaar surveillances, courts mandating data minimization proportionality that tempers welfare leakages with autonomy preservations. PIL surges democratize justice for marginalized furies—from Hussainara Khatoon's prison overcrowding releases to Olga Tellis' pavement livelihood safeguards yet judicial restraint doctrines per Calcutta Gas caution against policy usurpations, balancing activism with separation fidelity where executive compliances falter. These exertions confront implementation chasms, states diluting compensation awards or police reforms via ordinance revivals, yet contempt enforcements and Article 142 curative powers sustain momentum, judiciary embodying Preamble fraternity as constitutionalism's living conscience navigating enforcement labyrinths in India's fractious democracy.¹⁷

Vishaka v. State of Rajasthan, a 1997 PIL sparked by Bhanwari Devi's gangrape for opposing child marriage, birthed binding sexual harassment guidelines preempting POSH legislation, reading employers' Article 19(1)(g) duties to furnish safe workplaces into gender equality under Articles 14, 15, and 21 dignity via CEDAW domestication, mandating complaints committees, sensitization workshops, and criminal prosecutions that revolutionized factories from garment

¹⁷ S. P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford Univ. Press 2002).

sweatshops to corporate towers where earlier silences prevailed. Justices Verma, Agrawal, and Dayal's framework bridged executive-legislative voids, extending to unorganized sectors like domestic aides or farmhands facing landlord predations, courts appointing supervisors auditing compliances while expanding to educational campuses post- Nirbhaya where ragging morphs into assaults. This activism confronted patriarchal enforcements, triple talaq invalidations echoing Vishaka autonomy, wrestler protest stays against federation molestations, ensuring women's rights cascade against khap brutalities or workplace quid pro quos sustaining constitutional fraternity where state machineries faltered.

Justice K.S. Puttaswamy v. Union of India proclaimed privacy as intrinsic to Article 21 life-liberty on September 24, 2017, a 9-judge bench unanimously rejecting Aadhaar's earlier narrow validations to entrench informational self-determination against biometric compulsions, mandating necessity-proportionality-legitimate state interest tests that tempered Aadhaar's welfare linkages with data minimization, breach notifications, and purpose limitations curbing surveillance states from Pegasus infiltrations to facial recognition overreaches. Justices Chandrachud, Kaul, and Chelameswar wove dignity, autonomy, and fraternity into privacy's tripartite essence, overruling M.P. Sharma's obsolescence to fortify dissents against digital dossiers aggregating movements, purchases, and associations breaching anonymity vital to dissent. Post-Puttaswamy, electoral bonds anonymities crumbled under voter informational rights, social media fiduciary duties curbed algorithmic biases, and marital rape petitions invoked decisional privacy against conjugal exemptions, judiciary navigating enforcement chasms where DPDP Act implementations lag amid exclusions denying rations to glitch victims, sustaining human rights against tech tyrannies in India's biometric republic.¹⁸

V. CHALLENGES IN THE ENFORCEMENT OF HUMAN RIGHTS

Enforcement of human rights in India grapples with a labyrinth of institutional, societal, and structural impediments that transform constitutional guarantees into elusive aspirations for millions, where the judiciary's valiant interventions through expansive interpretations and public interest mechanisms often collide with systemic frailties like overburdened courts, entrenched corruption, and socio-economic fissures that perpetuate cycles of marginalization in a nation straining under its demographic enormity and diversity. Part III's fundamental rights, from equality's mantle under Article 14 to life's dignity in Article 21, stand as robust shields in

¹⁸ *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225.

theory, yet their realization falters amid procedural quagmires where over 50 million pending cases nationwide delay justice, rendering speedy trial promises hollow for undertrials comprising nearly three-quarters of prison populations, many languishing without conviction for minor offenses due to impoverished legal aid under Article 39A. Custodial violence persists as a grim specter, with NHRC data revealing hundreds of deaths annually from torture or neglect despite DK Basu protocols mandating arrest safeguards, exposing law enforcement's colonial legacies where accountability evaporates amid political patronage shielding fake encounters in insurgency belts or urban slums.¹⁹

Legislative encroachments compound these woes, as sedition provisions under Section 124A or stringent UAPA clauses enable prolonged detentions sans trial, clashing with Article 19 speech freedoms and ICCPR fair trial equities that courts intermittently temper through bail expansions or proportionality mandates, yet low conviction rates under SC/ST Atrocities Act hovering below 30% underscore investigative biases favoring dominant castes in rural heartlands where atrocities manifest as honor killings or land grabs disguised as disputes. Federal asymmetries exacerbate uneven implementations, with states wielding police powers under List II yet starved of resources, leading to patchy enforcement of POCSO protections against child marriages in Bihar or bonded labor rescues in Uttar Pradesh brick kilns, where migrant vulnerabilities amplify exploitation despite Article 23 bans. Corruption permeates this chain, from bribe-ridden thanas evading FIRs on gender violence to judicial vacancies exceeding 40% in high courts stalling writ petitions that could vindicate Article 21 entitlements like clean water or healthcare amid urban cholera outbreaks.²⁰

Patriarchal undercurrents defy Vishaka and POSH mandates, with NCRB reporting over 400,000 crimes against women yearly yet abysmal reporting due to stigma or police indifference, challenging Article 15 gender justice while marital rape exemptions persist against global CEDAW urgings, judiciary navigating via live-in recognition expansions yet hesitant on core reforms amid cultural backlashes. Communal fault lines test secularism's Article 25 balance, as lynchings over cow vigilantism or riot prosecutions falter under witness intimidations, prompting Supreme Court fast-track directives that strain already creaking dockets. Digital frontiers introduce surveillance specters postPuttaswamy privacy affirmations, where Pegasus exposures or facial recognition overreaches demand proportionality under

¹⁹ M. P. Jain, *Indian Constitutional Law* (8th ed. LexisNexis 2016).

²⁰ Oxfam Int'l, *Survival of the Richest: The India Inequality Report* (2023).

Article 21 yet evade robust data laws, while economic disparities mock Directive Principles, with 230 million multidimensional poor per NITI Aayog denied Article 21A education or ICESCR health amid ASHA overloads in rural outposts.

VI. ROLE OF HUMAN RIGHTS INSTITUTIONS IN INDIA

Human rights institutions in India constitute a multifaceted network of statutory bodies designed to monitor, investigate, and advocate for the enforcement of constitutional entitlements under Part III while bridging gaps left by judicial overloads and administrative inertia, operating as auxiliary sentinels that amplify marginalized voices from Dalit hamlets ravaged by atrocities to urban slums choking under toxic effluents, ensuring that Article 21's dignity mandate permeates beyond courtroom confines into everyday governance where state machineries often falter under corruption or indifference. Envisioned post-Vienna World Conference 1993, these commissions from the apex National Human Rights Commission to specialized panels for women, minorities, and scheduled castes-tribes embody Article 51A's civic duties intertwined with Directive Principles' welfare aspirations, conducting inquiries into custodial deaths that claim over 1,700 lives yearly or bonded labor networks enslaving lakhs in brick kilns, issuing recommendatory directives that spur Public Interest Litigations when states drag feet on compensations or reforms. Their interventions complement judiciary's writ supremacy under Articles 32 and 226, dispatching fact-finding teams to Manipur ethnic clashes or Hathras honor killing sites where police complicity shields perpetrators, coordinating rehabilitations that blend Article 23 traffic bans with skill trainings compensating poverty traps, yet grappling with recommendatory paralysis that compels escalations to high courts for binding enforcements amid federal tussles where governors veto minority institution aids breaching Article 30 preservations.²¹

These bodies foster preventive architectures through public hearings exposing manual scavenging asphyxiations defying Article 17 eradications or child trafficking pipelines from Bihar orphanages to Gulf kafala traps, partnering NGOs for shadow reports to UN treaty bodies amplifying domestic shortfalls like NCRB's 4 lakh women crime tallies with abysmal convictions, judiciary citing commission findings in fast-track directives that temper UAPA eternities with fair trial equities. Educational outreaches via toll-free helplines and village camps illuminate RTE neighborhood entitlements for Adivasi dropouts or POSH complaint

²¹ Protection of Human Rights Act, No. 10 of 1994, India Code (1993).

mechanisms for garment workers facing supervisor predations, compensating awareness voids where khap edicts normalize underage unions clashing with POCSO timelines. In constitutionalism's weave, these institutions democratize rights vindication, NHRC suo motu on migrant lockdown abandonments directing rations preempting highway graves, NCW probing wrestler molestation coverups sustaining assembly freedoms against tentacle demolitions, their annual reports flagging undertrial tsunamis at 75% prison bulks pressuring model jail blueprints that materialize sporadically amid budgetary scrimps, judiciary fortifying via contempt enforcements ensuring institutional sinews sustain human dignity against entropy in India's fractious republic.²²

VII. CONCLUSION

The study of constitutionalism and human rights in India reveals a complicated but dynamic relationship in which the judiciary serves as the primary institution for the interpretation and enforcement of individual rights, while the Constitution offers a strong normative framework for their protection. The judiciary has greatly expanded the breadth and content of human rights jurisprudence in India through theories like judicial review and the basic structure principle, as well as through the enlargement of fundamental rights, especially under Article 21. Public interest litigation is one example of a mechanism that has further democratized access to justice by allowing the courts to address issues that impact underprivileged and marginalized communities.

The study also emphasizes that effective realization of rights is not always guaranteed by the presence of a complex constitutional framework. The practical enforcement of human rights is nonetheless hampered by enduring structural and institutional issues, such as socioeconomic inequality, administrative inefficiencies, and judicial system delays. Even while the judiciary has significantly advanced human rights, systemic flaws in administration and implementation cannot be made up for by its actions alone. Therefore, all branches of the government must work together to improve constitutionalism in India. This endeavor must be backed by institutional accountability, effective administrative procedures, and more extensive socioeconomic changes.

Ultimately, the successful operation of democratic institutions and the state's dedication to

²² National Human Rights Commission, Annual Report (2023).

upholding constitutional norms in both concept and practice are just as important to the achievement of human rights as judicial innovation.

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