
INTERNATIONAL HUMAN RIGHTS AND DOMESTIC REALITIES: A CLASH OR A CONVERGENCE IN THE 21ST CENTURY? IN CONTEXT OF THE CURRENT GLOBAL SCENARIO?

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ABSTRACT

This paper is a way to introduce international public law regarding human rights as part of the international regime of dignity, equality, and justice at the international scale around the world. A number of legal documents that will bind the states parties who signed and ratified them, e.g. ICCPR and ECHR, will have a domestic legal system applicability, which will be very limited. With these limitations in mind, the paper will explore the relationship between international norms of human rights and the legal context in India on certain dimensions considered pertinent, particularly its applicability, judicial interpretation, and other forms used to protect and enforce human rights, while also keeping in mind the limitations of the enforcement of international human rights standards. While if the paper touches on the status of human rights law around the world, it would be of interest for comparisons to the status of human rights law in various states. This would be especially be such if we consider the domestic context of the human rights situation in India as of now. An international convention, or treaty, can at least serve as grounds for constitutional protection or statutory law in India. The intention of this paper is to ascertain what lessons we can learn from precedent in international law and India case law when reflecting on substantive examples of gaps-in-enforcement, gaps-in-legislation and institution barriers, and what India might consider doing in the future in order to raise it up to the level of the international standard of human rights. The research will be rooted in scholarly commentaries, and towards being contextualised in the locality of the International Human Rights framework, and ideally in building off the scholarly favour from Oxford, Harvard, NLUD, and NLSIU.

Keywords: Dignity, Equality, International human rights, applicability, interpretation, enforcements, gaps-in-enforcement, Legislative gaps, institutional hurdles.

Introduction:***Background***

International Human Rights law has naturally been made available to maintain basic freedoms and protect individual interests worldwide. Human rights international treaties such as the Universal Declaration of Human Rights (UDHR), ICCPR International covenant on civil and political rights, and ECHR European convention on human rights, provide a means to persecute the infringers of human rights and a means to fund them, reaffirming a common global commitment to actualizing human rights through legal instruments. They do provide global standards; however, at the enforcement stage, the variables are bounded to national legal regimes, legal contingency, constitutional mandates, and political will in how the aforementioned treaties are structured to be utilised at the nation state. India is a party to a number of human rights-based treaties, and have adopted many of their International Human Rights law principles to some degree in their legitimate Constitution and laws, yet enforcement and proper implementation of the law are very much impediments and barriers they encounter when seeking to achieve full compliance. To a degree, they have provided the Tribunals and Courts with the interpretive scope sufficient to advance various judicial interpretations, landmark judicial decisions, and legislative initiatives, we have collectively guaranteed that the elements of international Human Rights Law have been codified into India's legal regime.

Research Question

1. How does India implement international laws about human rights into domestic laws, and what challenges do they face?
2. What opportunities and challenges exist for reconciling national laws with international human rights standards?

Objectives

1. To research the influence of International Human Rights Convention on the Constitution and legal process of India
2. To analyse an important selection of court decisions that demonstrate the progress on judiciary approaches to interpretation and applicability of international human rights

law in India,

3. To evaluate the legal and institutional hindrances that affect the domestic implementation of human rights treaties in India,
4. To Assess India's approach to human rights implementation in respect to international best practice,
5. To provide recommendations to improve compliance with international human rights obligations.

Methodology

Research will apply a doctrinal method to action, with the inquiry of statute law, constitutional law, case law, and legal scholarship from recognized institutions such as Oxford, Harvard, NLUD, and NLSIU. Primary sources include international treaties, domestic laws, and judgments. Secondary sources include articles, policy papers, and comparative legal studies. A comparison will be made on the fronts of human rights in India and the compliance to international standards, flagging areas for legal reform.

1.Evolution and Impact of International Human Rights Law in India

The creation of original Indian law was similarly informed by concepts of international human rights law that were certainly significant in the drafting of the Constitution of India. That influence, would be Universal Declaration of Human Rights (1948). Part III-I titled the Fundamental Rights implicitly references the UDHR, when mentioning the treatment of, human rights issues. This, implicitly means an objective ability to shape domestic based constructs into international standards. The Constitution's overall goal is prepared to shape provisions for justice, liberty, equality, and fraternity. This all provide ample evidence the copy from international human rights stature articulated within the guidance about equitable FCCDI is clearly a reuse encapsulated as international human rights discourse NLSIU Constitutional Law Review, 2021. India, as a party to developing and drafting such international human rights documents, as UDHR has poised itself to transpose, and conceptually ground standards and values that have been developed as an international norm. The proactiveness of grounding these international values and concepts into the contexts of bidding customs and practices as paraphrased from Hansa Mehta is significant particularly when contemplating the level of

proactivity in the document's wording, and attribution copyright of the UDHR. Following independence, India's adoption of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) showed India's commitment to recognizing international law. Based on India's dualist reasoning, a distinction is made between international norms and domestic law, and while domestic legislation was indelible to giving meaning to the enforceability of international treaties, courts have used foreign human rights standards to not only implement an interpretation and gave considerable coverage and interpretation of rights under the Constitution. This is the extent of India's commitments to independence after ratifying the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). While India is a dualist state, providing for an absolute separation between international standards and national law, and while India must pass domestic legislation to implement enforcement of the international agreements, courts have become more comfortable using foreign human rights norms when interpreting and expanding the reach of constitutional rights.

2. The incorporation of global human rights into Indian Law¹

The intersection of international human rights obligations with the Indian legal regime is then clearly anchored in intricate constitutional provisions, judicial interpretations and Acts of Parliament, which themselves exist. Though India adopts a dualistic method of incorporating international law, although international law is not self-executing unless it is applied in a domestic law enacted through legislation. Indian courts have justifiably seen constitutional provisions as capable of including international human rights obligations into the Indian legal system. Article 51(c) of the Constitution of India provides that: "The State shall" recognise the "the" law, obligations there and to "its" treaties. Nevertheless, Indian courts have taken this principle serious when seeking to secure international human rights law norms by aligning national laws with such norms. For example, in ²Vishakha v. State of Rajasthan (1997), the Supreme Court of India, explicitly cites provisions of the Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW, as guidelines for the prohibition of sexual harassment in the workplace..

¹ Bhagwati, P.N. (1996) . Application of International Human Rights Norms in India . Harvard Human Rights Journal

² Vishaka v. State of Rajasthan, (1997) 6 S.C.C 241 (India)

3. Judgments: A bridge of the Supreme Court

The Indian judiciary has been relatively ambivalent when it comes to allowing international standards to be accepted when interpreting constitutional rights. The Supreme Court and High Courts have gone so far as to refer to international conventions, even in 'cutout' instances, where the incorporation has no supporting legislative instrument. While the Indian judiciary remains quite puritanical in regard to international standards when referring them to the social context of constitutional rights as it sees fit, the Supreme Court and High Courts have referred international conventions that have nothing in form of a legislative instrument to support their convention. The Court has already expanded the 'right to life' in ³People's Union for Civil Liberties v. Union of India (2002), and in A.K Chopra (1999), when we incorporate his 'personal liberty' into the definition, and made explicit references to articles and made several explicit references to ICCPR provisions within the context of the articles 21-23. They made explicit references to the need for gender equality, similarly based on what appears grounded at law in foreign rights based instruments like Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Protection of women's rights on employment and constitutional guarantees for the fulfilment of India's international obligations were conceptualised by the court. Under this premise, the court laid stress on the need to equate an international undertaking on India's part with appropriate incorporation into internal law.⁴ Particularly from National Law University, New Delhi, student activists and academics have stressed the need of the judiciary as a key catalyst in bringing the goals of international human rights law nearer, therefore enabling India to live up to those expectations. Noting how judicial activism has driven the nation towards higher levels of rights protection, especially in spheres where political opposition or legislative inertia would have stunted development, there is not much praise for this activism. Some legal academics and judges have expressed concern with the evils of judicial creativity.⁵ In the NLSIU Review of Law and Policy (2017) was stated that the judiciary that stretches its interpretative capacity too far may contravene the jurisdiction of the legislature, damaging therefore parliamentary sovereignty. In a democracy built on the principle of separation of powers, a court is to interpret legislation and not to legislate. When judges "legislate" through purposive extension of rights or creation of new

³ People's Union for Civil Liberties v. Union of India , (2003) 4 S.C.C 399 (India)

⁴ Kadambi , Rajeev (2015). Judicial Interpretations and International Law : An Indian Perspective . NLU Delhi Journal of Legal Studies

⁵ Chandrachud, Abhinav (2017). Judicial Creativity and International Human Rights Law in India . NLSIU Review of Law and Policy.

duties without parliamentary sanction, it calls into question democracy itself and the rightful balance to be maintained between the judiciary and the legislature on the one hand and executive on the other. This indicates still another conflict proceeding between judicial invention and democracy accountability even as courts have generally constituted a constructive factor in adopting international human rights standards into Indian legislation. It poses an issue ahead to do with ensuring that courts are able to serve the cause of human rights without overstepping constitutional boundaries which protect the democratic framework of governance.

4. Analysis of Structural Impediments to the Effective Implementation of International Human Rights Norms

4.1 Legislative Gaps

Besides constitutions typically being interpreted in a congruent sense with human rights treaties, India lacks a detailed implementing law for most of the major conventions ratified by it, especially the Convention Against Torture (CAT). This policy precludes effective enforcement.⁶ The 273rd Report (2017) of The Law Commission of India acknowledges this short coming and thus offers an immediate remedial course of action. As per University of Delhi, Faculty of law points out that the absence of domestic laws concerning torture and enforced disappearance raises questions on national credibility.

4.2 Institutional Weaknesses⁷

India faces institutional constraints as follows:

- Weak Human Rights Commissions (national and state level).
- Loss of independence of enforcement agencies.
- Insufficient training of police and administrative personnel on international obligations.

⁶ Law Commission of India , 273rd Report (2017)

⁷ Symbiosis Law School (2019) . Human Rights Education and Law Enforcement Awareness Survey.

Weaknesses of the human rights commission at both the national and state level acts as the major hindrance to one of the pillars in India that basis itself on protection and advocacy of human rights. More so, these commissions are established and set up to safeguard basic rights but are hindered by lack of funding, insufficiency of independence, or inadequate powers of enforcement. They are often not binding on the violators; therefore, their recommendations become less powerful and useful in setting standards for violations of human rights. Furthermore, the delays in bureaucracy and appointment worsen the situation. This closely ties in with the erosion of independence of the enforcement agency. Heavily beset by political influence and pressure are a number of such institutions: the police, investigating agencies, and regulatory authorities. This loss of autonomy compromises the objectivity and trustworthiness of these governmental organizations. They are no longer independent arbitrators, but sometimes act as extensions of political or personal interests. Such a situation seriously dent a public faith in these institutions and erodes even further the generic structure meant to secure human rights. Police and administrative staff also lack adequate training in international human rights obligations. Committed as India is to several international commitments and conventions, execution of these obligations is sorely lacking on the ground. Many officials are ignorant of the subtleties of global norms and best policies for the protection of rights, which leads to unintentional and/or systematic violations. The regular and systematic training programs either tend to be absent or ineffective, thus creating a situation where an enforcement mentality prevails, placing authority above accountability, and subordinating rights-based strategies to priorities. All these impediments create a setting whereby the very protection of human rights assumes a more symbolic than realistic form. Rectifying these systemic flaws is vital to ensuring the good faith implementation of constitutional and international human rights commitments. A study conducted by Symbiosis Law School, Pune (2019) found that a large percentage of the members of the law enforcement agencies were unaware of the implications of the ICCPR for the rights of detainees.

4.3 Political Will and Resistance.

Safeguarding human rights in most cases is reliant on the political will of the hierarchy in authority. When it comes to national security or counter-terrorism, politics, as a matter of fact, often supersedes human rights in many situations. More often than not, governments can substantiate very stringent policies under national security, even if it means infringing on fundamental rights. A glaring example is the Unlawful Activities (Prevention) Act (UAPA),

which has been challenged in terms of violating international human rights standards. It allows arbitrary arrests and totally negates such due process protection as presumption of innocence and speedy access to legal remedies. The Act gives very general and vague definitions, which are giving too much scope to the authorities usually leading to long detention without trial. This shows that political armtwisting against defined human rights standards in the name of fighting terrorism creates such an imbalance between governmental security policies and personal independence.

5. Comparative Analysis: India and Global Best Practices

⁸While India has made considerable progress in protecting and promoting human rights, a comparative lens often reveals significant gaps when measured against global best practices. One such jurisdiction is the United Kingdom, whose legal architecture for human rights protection provides valuable insights.

5.1 United Kingdom

The Human Right Act of 1998 goes a step further and gives direct entry to the European Convention on Human Rights (ECHR) into domestic law. It thus gives individuals a procedural mechanism to enforce international human rights obligations directly before domestic courts without having to petition international tribunals for this purpose. The Act lays your human rights in a number of Articles or 'Articles'. Each Article establishes a certain right. These came from the ECHR, so they are commonly referred to as 'the Convention Rights'

5.2 South Africa

The South African Constitution of 1996 provides for the incorporation of international law and mandates the courts to consider international law while interpreting the constitutional rights (sec. 39).⁹The Faculty at Harvard Law School points out that South African examples show how a robust constitutional design can facilitate a seamless interaction between the country's constitutional protectors of human rights with international human rights standards. In comparison with the above mentioned examples, India's penchant for judicial creativity over

⁸ Comparative Human Rights: Lessons from the UK's Human Rights Act, (2020), <https://blogs.lse.ac.uk/humanrights/> .

⁹ Klug, Heinz (2000). Constitution Rights and International Human Rights Law : South African and Comparative Perspective . Harvard Law Review

express legislative incorporation gives the country a very sporadic human rights situation. The second element affecting variance between the two is the radically different ways by which constitutions were trained on data until October 2023. The last phase of a drawn-out process in India was constitution-making. Actual drafting process was under elite control of the Indian National Congress (INC), a mass-oriented political party which was leading the national movement and a result exigencies of the time, permitted minimal public engagement. The South African Constitution is more revolutionary in other ways emerging from a process deliberately developed to be a strongly participatory one. This research compares two constitutions: one designed and written before the Universal Declaration, 13 the other carved long after beginning. Inspired influence of the UDHR and worldwide Legal human rights are a major topic in the popular writings on constitutions post- World War II including the Indian Constitution. India's participation in the production of has received relatively little attention, though, the Universal Declaration of Human Rights. I contend that the Indian Constitution has helped to development of international human rights law, and so I will First, order my review of Indian constitution-making with a short conversation on India's strong involvement in creating that historic text. 14 This Article is five parts long. I succinctly introduce in Part II the relations and similarities between the two nations constitutions which render a comparative research is relevant. I in Part III investigate the origins of the Indian Constitution and highlight the efforts that India's nationalistic leaders made to drive great, wide support for opposing the British government and to start basic political and social transformation. If we also look at India's real and artificial drafting process of the constitution and emphasis on India's efforts makers of constitutions did nevertheless to make their process more involvement. South Africa's participatory constitution-making procedure is the subject of Part IV, with an introduction detailing the genesis of participative constitution-making. Thus by researching the African understanding of the "independence" and "second-generation" constitutions and investigate the elements that inspired participatory birth constitution-creating across the continent.

5.3 UNITED OF AMERICA

The states take a mixed approach, with certain treaties being self-executing and directly enforceable, while others require Congressional implementation. ¹⁰Article VI of the

¹⁰ U.S. Const. art. VI

Constitution recognizes treaties as law of the land, but courts have been selective in utilizing international human rights standards. There have been many significant treaties signed, most notably, the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which have not been ratified and, thus, imply a certain preference for national legislation over international regimes. Within the country, the Bill of Rights provides ample guarantees, but international human rights are occasionally referred to as a source of inspiration rather than a source of obligation in court proceedings. Whereas Indian courts tend to use international norms liberally, U.S. courts remain conservative; both are, however, reluctant to embrace binding obligations under international human rights law. For instance, the U.S. Supreme Court has been somewhat conservative in applying international human rights law directly to domestic cases. In *Medellín v. Texas* (2008), the Court stated that international obligations notwithstanding, the United States was so bound by the Vienna Convention to the decisions of the ICJ that it could not be enforceable directly in a domestic instance unless and only if incorporated into domestic law by an act of Congress. This ruling pointed to the dim internal effect of international judgments and treaties on the American legal framework. Nevertheless, the American Constitution, in particular, through the Bill of Rights, provides for strong protection for civil liberties-many of which correspond directly to international human rights law. Courts may at times act in accordance with international customary law or foreign laws offered before them as sources of persuasive authority. In *Roper v. Simmons* (2005), the U.S. Supreme Court cited, among other considerations for declaring the juvenile death penalty unconstitutional, some form of international consensus. On top of that, the United States has strong institutional frameworks for human rights protection, including the ACLU and various state human rights commissions. Litigation, policy advocacy, and education are the three core functions of these organizations.

Furthermore, it is very old-line legal institutions such as Harvard Law School and Yale Law School that had long since taken up the banner for human rights discourse and produced important studies through such organizations as the Harvard Human Rights Program. In contrast, the U.S. has not ratified several of the major instruments regarding human rights, including the CEDAW Convention and the Convention on the Rights of the Child (CRC), usually with concerns about sovereignty and federalism. Done so, it stands in very stark contrast with countries which have reconciled human rights into home law no matter the politics.

5.4 INDIA

India's involvement in international human rights law is constitutionally anchored as well as judicially endorsed, but it is often not executed very consistently and is prone to inertia of institutions. It becomes an international obligation to India because of the signature on human rights treaties, especially the ¹¹Universal Declaration of Human Rights (UDHR), ¹²International Covenant on Civil and Political Rights (ICCPR), and International Covenant on Economic, Social and Cultural Rights with respect to fundamental rights under Part III of the Constitution as well as Directive Principles of State Policy under Part IV of the Constitution, which mirror India's international commitments. Without much specific legislation on the subject, Indian courts, particularly the Supreme Court, have played a vigorous role in integrating international human rights norms into the country's jurisprudence. This practice was demonstrated in *Vaisakha v. State of Rajasthan*, (AIR 1997 SC 3011), where the Court created guidelines for sexual harassment cases at workplaces, citing Article 51(c) of the Constitution and the provisions of CEDAW. For example, the 'Right to Food' has been interpreted by the Supreme Court as part of the 'Right to Life' under Article 21 using international principles to reinforce its justification in *People's Union for Civil Liberties (PUCL) v. Union of India*, (2003) 4 SCC 399. However, India has a dualist system, under which specific legislative adoption is required before making treaties enforceable by the citizens concerned. Hence, the matter has posed a developmental challenge regarding the full realization of socio-economic rights and minority protections. ¹³Human Rights Act, 1993 provided for the establishment of the National Human Rights Commission and institutionalization of rights enforcement, but the Act has been criticized on grounds of limited powers and slow intervention. The United States Treaty of Mutuality is often perceived as having less commitment to the treaty; it however has an active institutional engagement with a lot of academic involvement. Institutions such as Harvard Law School lend weight to such critical discourses on rights. India may emulate the example of empowering think tanks and law centres in universities (for instance, NLUD, NLSIU, Symbiosis Law School Pune) for shaping and advocating policy reforms. However, it is not adopting the same attitude as the U.S., which seeks ratification and incorporation of human rights conventions. The 1982 Charter of Rights and Freedoms of Canada refers, instead, to an applicable and enforceable

¹¹ Universal Declaration of Human Rights , G.A. Res. 217 (III) A, U.N. Doc . A/810 at 71 (Dec. 10, 1948)

¹² International Covenant on Civil and Political Rights , Dec. 16 , 1966, 999 U.N.T.S. 171

¹³ Act No. 10 of 1993, § 3 , Indian Code (1993)

rights framework. The Supreme Court of Canada, during the interpretation of the Charter, has cited international human rights instruments on numerous occasions. India may elevate Directive Principles to a higher status or enact human rights legislation to render socio-economic rights statutorily justiciable. The jurisprudence emerging out of Canada highlights the courts' role in bringing domestic law into line with global standards. Direct mechanisms for individuals to challenge violations of their rights exist in New Zealand through the Human Rights Act 1993 and the Human Rights Review Tribunal. It is binding and allows for greater access to justice and therefore could be used by India if it chooses to reform the NHRC and the State Human Rights Commissions by conferring on them similar powers and timelines for the resolution of complaints. The comparison mechanism is thus expected to promote responsiveness and institutional integrity. The Finnish model emphasizes public participation, education, and transparency. Human rights education is included in the curricula of schools, while institutions such as the Parliamentary Ombudsman are seen as mechanisms for human rights-based oversight. India could invest in human rights literacy through educational changes and strengthen its Lokpal and Lokayukta institutions for redressal pertaining to human rights-related grievances. In Sweden the monist approach prevails, meaning that international treaties can directly become part of domestic law. By permitting direct application of the European Convention of Human Rights, the procedure assures fast-track protection of rights. The ombudsman system in Sweden shows great initiative and independence. In the former context, India may consider declaring some international norms enforceable or amend its Constitution accordingly, redesigning state-level ombudsman institutions with a

clearer human rights mandate. The constitutional and judicial mechanisms in India hold great promise in assimilating and progressing international human rights standards. Nonetheless, structural and procedural gaps do exist. It has emerged from the comparative study that:

- Legislation must be enacted for the implementation of the international treaty.
- Strengthening NHRC and SHRCs.
- Enabling provisions for the public participation rights education.
- Direct enforceability will be provided for some treaty provisions.

The United States, Canada, New Zealand, Finland, and Sweden are examples of best practices

a country could adopt during reform. A good balance of a proactive judiciary, clear legislature, and institutional reform will guarantee the movement of international human rights standards in principle to practice with reference to the context of India. The comparative study shows the need for:

- Legislation for international treaty implementation;
- Strengthening the powers of NHRC and SHRCs;
- Public participation and rights education;

Direct enforceability to some treaty provisions. The USA, Canada, New Zealand, Finland, and Sweden are examples of global best practices that could be considered in the reform that India undertakes. A good mix of judicial activism, legislative clarity, and institutional reform would ensure that the application of international human rights standards would no longer be a principle but be made into a reality within an Indian constitution right.

6. Current scenario of the Human rights conflict across the world

Unprecedented challenges face the world between 2024 and 2025. Authoritarianism continued to flourish against democracy across the globe. Civilians in Sudan, Gaza, and Ukraine suffer violations of human rights in war, sexual and gender-based violence, and killing. Authoritarian actors have been emboldened, willing to impose restrictions within and outside their borders. Poor leadership, rampant insecurity, a lack of economic opportunity, and climate change continue to create and exacerbate vulnerabilities for people across the globe. And those charged with helping needy communities, the aid workers, faced their deadliest year on record. Yet there is some hope. Respect for minority rights and inclusive and democratic leadership were called for by Syrian rebels who recently sustained fourteen years and overthrew, the world's most vicious government from office. Only a few hours into the dark of night, South Korean civil society and politicians gathered to safeguard their democracy from a possible power grab. With long-standing moves forward for accountability, Gambia and Liberia set up tribunals aimed at investigating abominable acts of their past. Within this framework, the range of work of people involved in international human rights work is immense.

6.1 Constant Demand for Democracy

It is still ever-needed democracy as human rights and democratization has been retreating for almost two decades. Though by more than 73 percent of surveyed population, most of them viewed 'fear for democracy' as the most critical major concern about democracy in 2024 U.S. exit polls. This measure divided almost equally between Democrats and Republicans; they were almost equally split between the two bitterest enemies-on the average. Afro barometer has surveyed 39 countries in Africa at the moment and founded impressive degrees of favor of democracy and vast repudiation of other forms of government including by one man, one party, or the military. A similar measure of robustness in democracy endorsement has shown up in other places like the Arab World and Latin America. There is a general anxiety, in spite of considerable demand, that democracy works for very many people. This was shown from opinion polling around the world and the surge of opposition parties during the 2024 "year of elections," when voters mostly rejected the incumbents viewed as having failed. Among the strongest barriers against democratic backsliding is citizen demand of democracy. Such demand in 2025 or ongoing decrease in freedoms leading to apathy would embolden both authoritarianism and would-be authoritarianism.

6.2 Human rights and Conflict

Human Rights Violations Related to Conflicts:

Armed Conflict Location and Event Data (ACLED) for 2024 credits itself with 233,000 deaths recorded in one year, making it the worst-on-year recorded for world conflicts. Startlingly, one in eight persons lived within five kilometres of conflict worldwide. With the lack of data on subjects like Sudan, this figure, maybe a 30% rise compared with the previous year probably shows an estimable number with a steady increase given. Dangerous escalation hotspots include Ukraine, Colombia, Mexico, the Sahel, Sudan, the Great Lakes, Gaza, and the West Bank; the rest of the Middle East in an uncertain spin with Syria embarking upon a new phase of rule, Lebanon, and Israel on recent ceasefire. Changes in the modes of warfare-an extension of the definition of warfare in the new sphere of strategic and international humanitarian law-based considerations-have begun to engage larger populations. In fact, bombing is estimated to have been used 300% more over the past five years, as an option increasingly adopted. It is this very use of bombing, mainly in urban warfare, that brought about such an international censure lest it be accused of grossly targeting civilians. In 2022, a political declaration with

voluntary compliance was paired with the advent of new global standards documented by the U.S. and over 80 countries. Those standards aim at minimizing civilian harm from the use of explosives in populated areas. Even though it was not mandatory, so far US and other supporters have continued to arm states who practice inhumanity through urban warfare; all the instances of sexual and gender based violence, weaponizing hunger, and clear violation of international humanitarian law resulted in unprecedented numbers of humanitarian aid workers, journalists, and health workers who have or at best programs muddled with monitoring until 2025. Although human rights abuses are to some extent obvious, the incidents are triggering mechanisms that will more than likely burden everyone and impose many decades of more vulnerability; war results in forced displacement and people and areas who are forcibly displacing while fleeing are experiencing an even higher order of vulnerability and human rights abuses. Specifically in some countries there are regions where fleeing people are continuously sexually assaulted; UN estimates provide that of all fleeing persons taking the Mediterranean approach, 50%-90% are raped. Now, at mid-2024, the 123 million forcibly displaced persons (since it's the twelfth straight year) are due to conflict and violence. Persons at the end of this conflict need to come to terms with historical human rights experiences. The downfall of the Assad regime in Syria has now uncovered some previous human rights abuses after decades. For instance, the interviews of those released from Sudani military prison, already infamous for its torture, speak volumes to institutionalized torture, extra-judicial killings, and abuse of men, women and children in every sense. To date, estimates indicate the number of individuals forcibly disappeared since 2011 is up to 157,000, and their families today undertake a long process to find their loved ones or what happened to them. And they have to shift from war to rebuilding their infrastructure, governing apparatus, and processes for reconciliation while addressing and healing from past human rights abuses as a society. Soon, the United States and its global allies will be forced to face difficult questions as they balance their security/strategic objectives against the behaviour of their partners/allies on the battlefield, as well as how to help, or at least not inadvertently hurt, populations at risk of harming human rights as issues arise and escalate on the global stage. Transformations in India's democratic institutions, technologies, humanitarian interventions, and legal reforms would jointly impact the status of human rights and development in India. The following are prominent trends and issues likely to shape the universe of Indian human rights:

1. Digital and Privacy Rights on the Upswing: Issues of surveillance, abuse of data, and privacy will increase as digital infrastructure is improved (like Aadhaar, Digital India).

¹⁴Robust judiciary checks and judicious policies for legal safeguards will therefore be on the top of the list. Internet Access as a Right: There is increasingly an argument to make internet access a constitutional right, a precursor to education, work, and expression.

2. The modern call for the environment to be made a basic human right is further stirred by not just environmental degradation and global warming but also the use of ¹⁵Article 21 (Right to Life) by the courts. Sustainable Development But the reason behind displacement of tribals and rural regions is frequently development infrastructure and resource extraction. Balance of rights and development would be the most important.

3. Featuring Underrepresented Groups: Nowadays rights are mostly conferred to marriage, adoption, and inheritance and decriminalization of Section 377. human rights issues will, however, encompass caste-based discrimination, lynching as well as Dalit, Adivasi and Minority Rights underrepresentation in institutions. Education, employment and accessibility inclusion still remains a behemoth target with the vision of entrenching disability rights by the Rights of Persons with Disabilities Act, 2016.

4. Freedom of Expression and Civil Liberties¹⁶: Laws like UAPA and FCRA amendments are increasingly imposing restrictions on NGOs, activists, and journalists, thereby resulting in a continuously shrinking Civil Space. Balance between national security and civil liberties is severely tested. The need of the hour is the empowerment of the independent judiciary to protect civil rights against arbitrary actions of the executive.

5. Gender Equality: What is still wide open to discussion and, what is more, will not be closed by future definers is reproductive rights to abortion, contraception, and women's and trans people's health. In fact, future definers will be increased enforcement, education, and change of culture in the legislation system; those loopholes have to be closed. Brains out of early school: a specific program which is not ending inside the walls of academia or confines of classrooms. North American institutions currently serve students from much of the globe.

¹⁴ Digital India: Privacy and Data Rights Concerns, Internet Freedom Foundation (2024), <https://internetfreedom.in>

¹⁵ India's Environmental Jurisprudence: Article 21 and Right to Environment, Ctr. For Env't L. Ed. Rsch. & Advocacy (2023), <https://nls.ac.in/centres/celera>

¹⁶ UAPA, FCRA, and Civil Society Space in India, Human Rights Law Network (2024)

The students come and leave upon graduation. Such mobility is clearly extremely well supported across five continents and many countries of the North by the widening access.

One issue, however, which does not seem to be fading any time soon concerns reproductive rights around abortion, birth control, and women's and trans individuals' health. In fact, the future will really be set by strengthened enforcement on the legislative agenda; education reform; and culture of change. With that aside, this is also an extremely controversial issue in reproductive rights-abortion, birth control, and access to healthcare for women and trans people. Shapers of the future, in fact, will involve stronger enforcement, learning, and cultural change in the legislative process; those loopholes need to be plugged.

Out-of-brain school: a separate program not confined within the school walls or in classrooms. North American universities these days host students from everywhere in the entire world. The students travel and go back home upon graduation. This mobility is, in the wider access amongst 5 continents and many countries at North, readily facilitated. Infinite is also the challenge with reproductive rights as it concerns abortion and contraception as well as women's health and trans persons' health. The future shall indeed be shaped by stronger enforcement on the legislative pillar; reshaping of education; and culture of change. Even what has been maintained here asserts that abortion, contraception, and healthcare services will no longer be controversial and central in women's and trans people's reproductive rights. Future definers are to improve enforcement education and culture change in the legislative base but have to fill those gaps.

6. Migration and Urban Justice: The internal migrants-the poor and the casual wage workers-were worst affected by COVID-19, which points to the failure of the rights-based social security. They must be prioritized while making plans for urban infrastructure as well as for labor rights' reform.

7. Legal and Constitutional Developments

Judicial Activism vs Judicial Restraint:

Nowadays Indian judiciary have been busy in expanding rights (e.g. Right to Privacy, Right to Education). Their work in the future would most likely go on to shape rights. The major inch of socio-legal controversy will be disputes over the UCC that would cross rights to equality,

religion, and cultural identity. Human rights are accepted everywhere, and they are the foundation of equitable and just societies. They are extremely diverse, ranging from civil to political, economic, social, and cultural rights that ensure individuals the right to live freely their lives in a dignified way. From the Universal Declaration of Human Rights (1948) to national and regional constitutions, they unveil themselves as an international commitment towards ensuring human dignity. Practice, nevertheless, is difficult and sometimes sporadic, especially in multicultural and wide democracies like India. Strong commitment to human rights is articulated in India constitutional system, particularly the Fundamental Rights incorporated in Part III of the Constitution. Indian courts utter progressive interpretation, i.e., interpreting the Right to Education (Article 21A), the Right of Privacy, the Right to Healthy Environment, and other socio-economic rights under Article 21 (Right to Life), thus expanding the ambit of these rights in the years gone by. Another unique feature of the Indian system of democracy, which has provided easy access to justice and has helped shape issues concerning the downtrodden, has been Public Interest Litigation (PIL). However, despite the positive effects of these programs, many hurdles remain. Access to rights of a basic nature is based on structural caste, religious, gender, and class inequality. Systematic discrimination has been against Dalits, Adivasis, religious minorities, LGBTQIA+ communities, and persons with disabilities. Gender-based violence, custodial torture, and limitation of freedom of expression and association have recently raised serious question marks on civil liberties. Cutthroat technological advancements have largely propelled the human rights agenda; however, they are challenges of our times. Digital media can augment voice empowerment and service provision, but now citizens' surveillance, algorithmic discrimination, and privacy intrusions of data have all become fertile fields of the human rights movement. Above all else, legal institutions must recast themselves to address these new challenges while remaining accountable in a democratic system.

The Indian government also has the challenging job of balancing freedoms of expression and security of the nation. While "These legislations such as Unlawful Activities (Prevention) Act and Foreign Donation Regulation Act are considered as utilized for suppressing dissent and meddling with operations of civil society organizations," this tension between state and democratic rights has to be navigated through transparent legal procedures and institutional balances.

To also deepen democracy, strengthen institutions, and instil a culture of rights awareness remains a way forward for India in the background of taking human rights forward. These legal reforms, digital literacy, and education curricula would enable developing a rights-aware society. Furthermore, civil society, the media, and courts must continue in the position of the surrogate for stopping abuse and making rights not only endure on paper but continue to be relevant in practice. Essentially, human rights evolve depending on the needs and challenges of society; they are, nonetheless, never uniform. Interfering in their functioning necessitates constant vigilance, adaptation, and commitment by all aspect of life. Human rights need to be safeguarded in this fast-changing India, simply because it is the right thing to do; actually, it is pragmatically essential for upholding democracy, peace, and balanced growth. Conclusion

The meeting of international human rights law and national legal systems is both a formidable challenge and a historic opportunity.

8. Conclusion

For as this research examined in detail, India's trajectory along international human rights norms is that of progressive judicial activism, picky legislative adoption, and increasingly changing popular discourse. Yet the commitment-compliance shortfall remains elevated. Even while India has ratified significant treaties such as the ICCPR and ICESCR, enforcement is hampered by legislative inefficiency, institutional inefficiency, and socio-political constraints. Judicial rulings—largely in rulings such as *Vishaka v. State of Rajasthan*—demonstrate potential balancing of international conventions with constitutional mandates under Articles 14, 21, and 51(c) of the Indian Constitution. Courts have employed international norms creatively as tools of progressive interpretation, especially in gender rights, custodial justice, and privacy. Such reliance on the judiciary places an undue burden on litigation rather than wholesale legal change, but comparative experience is instructive. The United States, while not fully subscribing to all of the treaties worldwide, has a strong tradition of judicial independence and constitutional supremacy that regularly follows international human rights benchmarks through its Bill of Rights. Canada and New Zealand are both good examples of successful models of integration Canada through the Charter of Rights and Freedoms and New Zealand through local law like the Human Rights Act 1993. Both countries are giving rise to independent supervisory agencies and dynamic policy settings that not only safeguard but also enhance human rights. Finland and Sweden of the Nordic nations are another illustrative

example where institutional autonomy (e.g., ombudsmen), legal culture, and high public involvement all come together to make human rights both accessible and enforceable. Their work reinforces the importance of a rights-based administrative system and constant oversight by independent bodies. India could learn from such methodologies. The inclusion of international norms in national laws through a structural, policy-oriented process rather than resorting to case-by-case judicial solutions is called for. Strengthening the independence of the National Human Rights Commission, ensuring treaty obligations compliance through parliamentary review, and expanding the legal education curriculum to include international human rights law can all have a great impact in closing the compliance gap. Further, as Harvard Law School legal scholars, LSE scholars, NLUD legal scholars, and NLSIU legal scholars suggest, a rights-based governance needs to have structural reform—virtually the entire range from policing the police to gender-sensitive policy implementation. Harmonization of international expectations with domestic realities is most urgently needed in the area of minority rights, freedom of expression, and socio-economic justice.