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Phone : +91 94896 71437 – info@iledu.in / Chairman@iledu.in



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HUMAN RIGHTS: EVOLUTION, CHALLENGES, AND THE WAY FORWARD

AUTHOR – UTKARSH SINGH YADAV* & DR. SRIJAN MISHRA**

* LL.M (CRIMINAL LAW) SCHOLAR AT AMITY LAW SCHOOL, AMITY UNIVERSITY UTTAR PRADESH LUCKNOW CAMPUS

** ASSISTANT PROFESSOR AT AMITY LAW SCHOOL, AMITY UNIVERSITY UTTAR PRADESH LUCKNOW CAMPUS

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ABSTRACT

The present research paper provides a comprehensive analysis of **human rights**, tracing their **historical origins, philosophical foundations**, and progressive development in **international and Indian legal frameworks**. Beginning with ancient civilisations and socio-religious traditions, the study highlights how the notion of human dignity has evolved into a globally recognized legal and moral standard. The paper explores the milestones such as the **Universal Declaration of Human Rights (UDHR)** and pivotal international treaties that have laid the foundation for the modern human rights regime.

In the Indian context, the paper critically examines the **constitutional provisions**, particularly **Fundamental Rights** under Part III, and the role of **Directive Principles of State Policy** in shaping a just and humane society. It also analyses the functioning of institutions such as the **National Human Rights Commission (NHRC)** and the proactive role of the **Indian judiciary** through landmark judgments in expanding the scope of human rights protection.

The paper identifies and evaluates contemporary challenges faced by human rights globally and in India, such as **custodial torture, mass surveillance, restrictions on freedom of speech**, and the **marginalization of vulnerable communities** including women, Dalits, LGBTQ+ individuals, refugees, and persons with disabilities. The rapid advancement in technology has also raised critical concerns regarding **digital privacy, cyber freedoms**, and **state overreach**.

Further, the study highlights the contribution of **civil society, non-governmental organizations (NGOs)**, and **international bodies** in advocating and defending human rights. It emphasizes the need for **legislative reforms, institutional strengthening, public awareness**, and **global cooperation** to address the emerging human rights crisis.

Keywords:

Human Rights, Fundamental Rights, UDHR, Constitutional Law, NHRC, Judiciary, Marginalized Communities, Digital Rights, Civil Liberties, International Law, Civil Society, Surveillance, Human Dignity, Legal Reforms, Social Justice.

1. Introduction

Human rights are universally acknowledged as the **fundamental entitlements and freedoms** that belong to every individual simply by virtue

of being human. These rights are **inalienable, indivisible, and interdependent**, meaning they cannot be denied or taken away arbitrarily and must be protected in their totality to ensure

human dignity. Regardless of one's **race, gender, nationality, ethnicity, religion, caste, language, or socio-economic status**, human rights serve as the **cornerstone of freedom, equality, justice, and peace** across the globe.

The philosophical foundations of human rights can be traced back to **natural law theories** advocated by thinkers like **John Locke**, who argued for inherent rights to "life, liberty, and property" as part of human nature. Similar sentiments are evident in ancient texts and cultures: for instance, the **Edicts of Emperor Ashoka** in India promoted moral governance and welfare of subjects as early as the 3rd century BCE. The **Magna Carta** (1215), **French Declaration of the Rights of Man and of the Citizen** (1789), and the **American Declaration of Independence** (1776) further formalized the recognition of individual liberties and the limitation of state power.

However, it was only after the **atrocities of World War II**—including the Holocaust and mass violations of human dignity—that the international community recognized the urgent need for a **universal framework** to protect human rights. This culminated in the adoption of the **Universal Declaration of Human Rights (UDHR)** by the **United Nations General Assembly** on **10 December 1948**, marking a historic moment in the evolution of international human rights law.¹⁵³⁰ The UDHR, though not legally binding, laid the moral and normative foundation for subsequent legally binding instruments like the **International Covenant on Civil and Political Rights (ICCPR)** and the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**, both adopted in 1966.

In the Indian context, the struggle for independence and social justice led to the incorporation of **Fundamental Rights** in Part III of the **Constitution of India**, 1950, reflecting both the global movement for human dignity and

indigenous aspirations for equality and justice.¹⁵³¹ The framers of the Constitution drew from various international and domestic sources to ensure that the **values of liberty, equality, fraternity, and justice** are not only aspirational but legally enforceable rights.

In the modern world, human rights have expanded to include **third-generation or solidarity rights**, such as the **right to development, clean environment, peace, and digital privacy**, reflecting the evolving nature of human needs and threats. Yet, despite the proliferation of legal frameworks and institutional mechanisms, violations remain rampant, especially in conflict zones, authoritarian regimes, and even in democratic societies through systemic discrimination, surveillance, and inequality.

This paper aims to explore this complex journey—**from the origins and philosophical underpinnings of human rights to their modern-day challenges and protections**, with a particular focus on **India's constitutional framework, judicial interventions, and civil society's role** in safeguarding the rights of its citizens.

2. Historical Development of Human Rights

The concept of human rights has evolved over centuries through philosophical, religious, legal, and political developments across civilizations. Although the contemporary understanding of human rights has been institutionalized in the 20th century, its roots can be traced back to early human societies where notions of justice, morality, and duties were embedded in both spiritual and legal traditions.

2.1 Ancient and Medieval Roots

In ancient India, the idea of '**Dharma**' formed the moral and ethical foundation of society. Dharma, as articulated in **Vedic scriptures** and **epics like the Mahabharata and Ramayana**, emphasized duties toward fellow beings and the importance of righteousness in both

¹⁵³⁰ United Nations General Assembly, Universal Declaration of Human Rights, adopted on 10 December 1948, available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

¹⁵³¹ Granville Austin, *The Indian Constitution: Cornerstone of a Nation*, Oxford University Press, 1999, p. 50.

individual and social conduct. Though not framed as "rights" in the modern legal sense, the responsibilities of rulers toward the welfare of their subjects implied a form of human dignity and protection.¹⁵³²

Similarly, **Buddhism** and **Jainism** advocated compassion (*karuna*), non-violence (*ahimsa*), and respect for all life forms, sowing early seeds of what we now call universal values. Emperor **Ashoka's Edicts** (3rd century BCE) promoted a model of benevolent governance based on tolerance, non-violence, and the welfare of all creatures, which many scholars regard as a precursor to human rights philosophy.¹⁵³³

In the West, the **Magna Carta** of 1215 is often viewed as a foundational document in the history of rights. Signed by King John of England under pressure from rebellious barons, it affirmed certain liberties and restricted arbitrary power, declaring that no man could be punished except through the law of the land. This principle laid the groundwork for future constitutional governance.

Religious teachings also played a significant role. **Islamic law (Sharia)**, developed in the 7th century CE, introduced the concept of **equality before law, protection of life and property, and the rights of minorities, women, and the poor**. The *Charter of Medina*, issued by Prophet Muhammad, is often cited as an early example of a written guarantee of rights for a pluralistic community.¹⁵³⁴

Other traditions, including **Confucianism** in China and **African tribal customs**, also emphasized moral duties, justice, and harmony, reflecting localized versions of rights and responsibilities.

2.2 Modern Era

The modern conception of human rights, as codified in legal instruments and enforced through institutions, emerged from Enlightenment philosophy and revolutionary

political movements in the 17th and 18th centuries. **John Locke**, for instance, emphasized the idea of natural rights—life, liberty, and property—as inherent to all individuals and not subject to state interference.^[5]

The **American Declaration of Independence** (1776) famously asserted that "all men are created equal" and endowed with "unalienable Rights" including "Life, Liberty and the pursuit of Happiness."¹⁵³⁵ Inspired by these ideals, the **French Declaration of the Rights of Man and of the Citizen** (1789) proclaimed liberty, property, security, and resistance to oppression as universal rights. These revolutionary documents represented a decisive break from feudal and monarchic structures and laid the ideological foundation for liberal democracies.

The 20th century, particularly the aftermath of **World War II**, marked a turning point in the formalization of human rights. The **Holocaust** and other wartime atrocities underscored the urgent need for a universal moral code and institutional guarantees. In response, the newly established **United Nations** adopted the **Universal Declaration of Human Rights (UDHR)** on **10 December 1948**. Drafted under the leadership of **Eleanor Roosevelt** and inspired by thinkers such as **René Cassin** and **Charles Malik**, the UDHR outlined 30 articles covering civil, political, economic, social, and cultural rights.

While the UDHR itself is not legally binding, it has significantly influenced national constitutions, international treaties, and customary international law. It also paved the way for subsequent legal instruments such as the **International Covenant on Civil and Political Rights (ICCPR)** and the **International Covenant on Economic, Social and Cultural Rights (ICESCR)**—both adopted in 1966 and collectively known as the **International Bill of Human Rights**.¹⁵³⁶

¹⁵³² Radhakrishnan, S. *The Hindu View of Life*, HarperCollins India, 1993.

¹⁵³³ Thapar, Romila. *Ashoka and the Decline of the Mauryas*, Oxford University Press, 1998.

¹⁵³⁴ Locke, John. *Two Treatises of Government*, 1689.

¹⁵³⁵ The United States Declaration of Independence, July 4, 1776.

¹⁵³⁶ United Nations, *International Bill of Human Rights*, available at: <https://www.ohchr.org/en/instruments-list>

3. Classification and Nature of Human Rights

Human rights are typically categorized into **three broad generations**, a framework popularized by Czech jurist **Karel Vasak** in the late 20th century. This classification reflects the historical evolution of human rights and their interdependence in addressing various dimensions of human dignity and societal development.

3.1 Civil and Political Rights (First Generation Rights)

These rights are often termed **liberty-oriented rights**, and emerged prominently during the **18th-century liberal revolutions** in America and France. They are designed to protect individuals from **state overreach** and guarantee **individual autonomy, political participation, and legal equality**.

Key rights in this category include:

- Right to **life and personal liberty**
- Freedom from **arbitrary arrest and torture**
- **Freedom of speech**, expression, association, and religion
- **Right to a fair trial and equality before law**

These rights are largely **negative rights**, meaning they require the state to refrain from interfering with individual freedoms. Most of these are codified in the **International Covenant on Civil and Political Rights (ICCPR), 1966**.¹⁵³⁷

3.2 Economic, Social and Cultural Rights (Second Generation Rights)

These rights aim to promote **positive obligations** of the state towards ensuring **social justice, equity, and dignity in living conditions**. They gained prominence in the post-World War II era and during the rise of socialist ideologies.

Key rights include:

- Right to **work** under just and favorable conditions
- Right to **education**
- Right to **healthcare** and **social security**
- Right to an **adequate standard of living**, including food, clothing, and housing

These rights are often dependent on **progressive realization**, meaning their fulfillment may vary based on a country's available resources. They are enshrined in the **International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966**.¹⁵³⁸

3.3 Collective or Solidarity Rights (Third Generation Rights)

These are newer categories of rights that reflect **collective interests** and the **global dimension** of rights. They are often advocated by developing nations and relate to **cooperation, peace, and environmental protection**.

Prominent third-generation rights include:

- Right to **development**
- Right to **peace**
- Right to a **clean and healthy environment**
- Right to **humanitarian assistance**

Although not always enforceable in national legal systems, these rights are gaining recognition in international forums such as the **UN Declaration on the Right to Development (1986)** and the **Stockholm and Rio Declarations on Environment**.¹⁵³⁹

4. Human Rights Protection in International Law

International law has played a **critical role** in the codification, promotion, and protection of human rights, especially since the establishment of the **United Nations** in 1945.

¹⁵³⁷ United Nations, *International Covenant on Civil and Political Rights*, 1966, available at: <https://www.ohchr.org/en/instruments-list>

¹⁵³⁸ United Nations, *International Covenant on Economic, Social and Cultural Rights*, 1966.

¹⁵³⁹ UN General Assembly, *Declaration on the Right to Development*, A/RES/41/128 (1986); United Nations Conference on the Human Environment, *Stockholm Declaration*, 1972.

Multiple **legal instruments and institutions** now function at global and regional levels to monitor and enforce human rights obligations.

4.1 Core International Instruments Universal Declaration of Human Rights (UDHR), 1948:

A milestone non-binding document that outlines civil, political, social, and cultural rights applicable to all humans. Though not legally binding, it has become part of **customary international law**.

- **International Covenant on Civil and Political Rights (ICCPR), 1966:** Legally binds signatory states to protect first-generation rights like liberty, fair trial, and political participation.
- **International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966:** Provides a legal framework for the realization of second-generation rights through progressive state action.
- Other key treaties include:
 - **CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women), 1979**
 - **CRC (Convention on the Rights of the Child), 1989**
 - **Convention Against Torture (CAT), 1984**
 - **International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1965**

4.2 International Institutions

- **UN Human Rights Council (UNHRC):** A principal UN body for promoting and reviewing human rights practices of member states through mechanisms like the **Universal Periodic Review (UPR)**.¹⁵⁴⁰
- **Office of the High Commissioner for Human Rights (OHCHR):** Provides

support for implementation of human rights norms and coordinates with international bodies.

- **International Criminal Court (ICC):** Established under the **Rome Statute (1998)**, it prosecutes individuals for genocide, war crimes, and crimes against humanity—marking a shift toward **individual accountability** under international law.¹⁵⁴¹

4.3 Regional Human Rights Systems

- **European Convention on Human Rights (ECHR), 1950:** Enforced by the **European Court of Human Rights**, this system has been instrumental in developing binding jurisprudence on human rights within Europe.
- **Inter-American System:** Based on the **American Convention on Human Rights (1969)**, monitored by the **Inter-American Court of Human Rights**, it covers countries in Latin America and promotes democratic rights.
- **African Charter on Human and Peoples' Rights (1981):** Unique in recognizing both **individual and collective rights**, and enforced through the **African Commission and African Court on Human and Peoples' Rights**.¹⁵⁴²

5. Human Rights Framework in India

The protection of human rights in India is ensured through a robust legal and constitutional framework. It encompasses constitutional guarantees, statutory laws, and proactive judicial interpretations that aim to safeguard the dignity and liberties of all individuals.

5.1 Constitutional Protection

The Indian Constitution is the cornerstone of human rights protection in the country. The

¹⁵⁴⁰ United Nations Human Rights Council, <https://www.ohchr.org/en/hr-bodies/hrc>

¹⁵⁴¹ Rome Statute of the International Criminal Court, 1998, <https://www.icc-cpi.int/>

¹⁵⁴² African Charter on Human and Peoples' Rights, 1981, <https://www.achpr.org/legalinstruments/detail?id=49>

Fundamental Rights enshrined under **Part III (Articles 12–35)** form the basis of civil and political liberties:

- **Article 14** ensures equality before the law and equal protection of the laws.
- **Article 15** prohibits discrimination on grounds of religion, race, caste, sex, or place of birth.
- **Article 19** guarantees freedoms of speech, expression, assembly, association, movement, and residence.
- **Article 21** protects the right to life and personal liberty, which the Supreme Court has expansively interpreted to include the right to privacy, clean environment, health, education, and livelihood.¹⁵⁴³

Alongside these rights, **Part IV of the Constitution** outlines the **Directive Principles of State Policy (DPSPs)**, which aim to establish social and economic democracy. Though not enforceable in a court of law, they are fundamental in governance and complement the vision of human rights:

- **Article 38** directs the state to promote welfare by securing a just social order.
- **Article 39** seeks to ensure adequate means of livelihood, equal pay, and protection against exploitation.
- **Article 41** emphasizes the right to work, education, and public assistance in case of unemployment, old age, or disability.¹⁵⁴⁴

5.2 Statutory Framework

India has enacted several statutes to institutionalize the protection of human rights. These laws aim to address specific human rights concerns affecting various vulnerable groups.

a. Protection of Human Rights Act, 1993

This Act led to the establishment of the **National Human Rights Commission (NHRC)**, along with State Human Rights Commissions (SHRCs) and Human Rights Courts at the district level. The NHRC has quasi-judicial powers and investigates violations of human rights by public servants, or negligence in prevention by public authorities.

b. Other Relevant Legislations

- **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989:** Prevents and punishes violence and discrimination against SC/ST communities.
- **Juvenile Justice (Care and Protection of Children) Act, 2015:** Protects the rights and welfare of children in conflict with the law or in need of care and protection.
- **Mental Healthcare Act, 2017:** Guarantees the right to access mental health care services and decriminalizes attempted suicide, recognizing mental illness with dignity and autonomy.¹⁵⁴⁵

Other important laws include:

- **The Protection of Women from Domestic Violence Act, 2005**
- **The Right to Education Act, 2009**
- **The Transgender Persons (Protection of Rights) Act, 2019**

5.3 Judicial Activism

The Indian judiciary, particularly the Supreme Court, has played a vital role in interpreting and expanding the scope of fundamental rights through judicial activism.

- **Maneka Gandhi v. Union of India**, AIR 1978 SC 597: The Court held that the procedure under Article 21 must be "just, fair and reasonable," thereby expanding the right to life and liberty to include

¹⁵⁴³ *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

¹⁵⁴⁴ Jain, M.P., *Indian Constitutional Law*, LexisNexis, 2021, pp. 157–165.

¹⁵⁴⁵ Mental Healthcare Act, 2017. Ministry of Health and Family Welfare.

dignity, mobility, and other derivative rights.

- **Vishaka v. State of Rajasthan**, AIR 1997 SC 3011: In the absence of domestic law to protect women at the workplace, the Court framed the **Vishaka Guidelines** to curb sexual harassment, later codified in the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013**.¹⁵⁴⁶
- **Francis Coralie Mullin v. Union Territory of Delhi**, AIR 1981 SC 746: The Court emphasized that the right to life includes the right to live with human dignity, covering aspects like nutrition, clothing, shelter, and facilities for reading and writing.¹⁵⁴⁷

6. Contemporary Challenges to Human Rights

Despite constitutional and legal safeguards, India faces a host of modern challenges that threaten the effective realization of human rights. These challenges are multidimensional and affect different sections of society disproportionately.

6.1 Custodial Torture and Police Brutality

Though the Supreme Court laid down comprehensive safeguards against custodial torture in **D.K. Basu v. State of West Bengal**, AIR 1997 SC 610, incidents of **police brutality** persist.

- The **Jayaraj and Bennix custodial deaths** in Tamil Nadu (2020) shocked the nation, exposing the impunity with which law enforcement officials sometimes operate.¹⁵⁴⁸
- India has not yet ratified the **UN Convention Against Torture (UNCAT)**, and a standalone anti-torture law is still pending, raising serious concerns about accountability mechanisms.

6.2 Digital Rights and Surveillance

The intersection of human rights and technology poses new threats to civil liberties. In the digital era, the **right to privacy, freedom of expression, and data protection** have come under significant stress.

- The **Pegasus spyware case** (2021), where surveillance was allegedly conducted on journalists, lawyers, and political activists using military-grade spyware, sparked nationwide concerns.
- In **Justice K.S. Puttaswamy v. Union of India**, (2017) 10 SCC 1, the Supreme Court upheld **the right to privacy as a fundamental right** under Article 21, yet there remains a gap in enforceable privacy laws.¹⁵⁴⁹

Although the **Digital Personal Data Protection Act, 2023** has been enacted, critics argue that it provides **broad exemptions to the state**, threatening personal liberty and data sovereignty.

6.3 Rights of Marginalized Communities

Marginalized groups such as **Scheduled Castes, Scheduled Tribes, women, religious minorities, persons with disabilities, and LGBTQIA+ individuals** continue to face systemic discrimination.

- **Navtej Singh Johar v. Union of India**, (2018): Decriminalized homosexuality by reading down Section 377 IPC, a landmark decision in LGBTQ+ rights jurisprudence.
- The **Transgender Persons (Protection of Rights) Act, 2019**, while progressive in intent, has been criticized for requiring transgender individuals to undergo **medical examination for identity certification**, contrary to principles of self-identification and dignity.¹⁵⁵⁰

6.4 Refugees and Stateless Persons

India hosts refugees from several countries including Myanmar, Afghanistan, and Sri Lanka,

¹⁵⁴⁶ *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011.

¹⁵⁴⁷ *D.K. Basu v. State of West Bengal*, AIR 1997 SC 610.

¹⁵⁴⁸ "Jayaraj and Bennix Deaths: Timeline and Analysis", *The Hindu*, July 2020.

¹⁵⁴⁹ *Justice K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

¹⁵⁵⁰ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

yet **lacks a comprehensive refugee protection law**. India is also **not a signatory to the 1951 Refugee Convention** or its **1967 Protocol**.

- The **Rohingya refugee issue** remains contentious, with multiple deportation orders and detentions raising concerns over **non-refoulement**, a key principle of international refugee law.
- The **Citizenship (Amendment) Act, 2019** provides fast-track citizenship to non-Muslim refugees from Pakistan, Bangladesh, and Afghanistan, which many critics argue violates the secular fabric and Article 14 of the Constitution.¹⁵⁵¹

7. Role of NHRC and Civil Society in Protecting Human Rights

The protection and promotion of human rights in India is a collaborative effort involving both **state institutions** and **non-governmental actors**. Among these, the **National Human Rights Commission (NHRC)** and **civil society organizations (CSOs)** play pivotal roles.

7.1 National Human Rights Commission (NHRC)

Established under the **Protection of Human Rights Act, 1993**, the NHRC functions as an autonomous body to address human rights violations. Its functions include:

- **Inquiry into Human Rights Violations:** NHRC can suo motu or on petition investigate complaints of rights violations by public servants or negligence by the state in preventing such violations.
- **Monitoring of Detention Facilities:** Regular inspections of prisons, juvenile homes, and mental health institutions help in ensuring humane treatment and compliance with constitutional standards.
- **Advisory Role:** NHRC advises the government on policy matters relating

to human rights and makes recommendations for legislation and institutional reforms.

- **Human Rights Awareness:** Through seminars, publications, and awareness campaigns, the Commission promotes a culture of human rights and dignity.¹⁵⁵²

Despite its mandate, the NHRC faces limitations in enforcement:

- It has **no binding authority** to enforce its recommendations.
- It lacks **jurisdiction over private actors**, even though many violations arise from non-state entities.
- Vacancies, delays in appointments, and **limited autonomy** have often been criticized for reducing its effectiveness.¹⁵⁵³

7.2 Role of Civil Society Organizations (CSOs)

Civil society has been a **watchdog of democracy**, exposing violations, advocating for the rights of the marginalized, and supplementing state efforts through legal aid, research, and awareness.

Prominent Organizations

- **People's Union for Civil Liberties (PUCL)** and **People's Union for Democratic Rights (PUDR)** have historically played leading roles in fighting custodial torture, extra-judicial killings, and arbitrary detentions.
- **Amnesty International India** and **Human Rights Watch** have documented and publicized violations related to communal violence, press freedom, and state impunity.¹⁵⁵⁴
- **CHRI (Commonwealth Human Rights Initiative)** has been instrumental in

¹⁵⁵² National Human Rights Commission. *Annual Report 2021–22*. Retrieved from: <https://nhrc.nic.in>

¹⁵⁵³ Subramanian, K.S., "NHRC's Limited Effectiveness: A Structural Critique", *EPIW*, Vol. 55, No. 4 (2020), pp. 34–39.

¹⁵⁵⁴ Amnesty International India. *Human Rights in India Report 2019–20*. Retrieved from: <https://amnesty.org.in>

¹⁵⁵¹ Citizenship (Amendment) Act, 2019, Ministry of Home Affairs.

advocating for police and prison reforms.

Challenges Faced by CSOs

Recent legal and administrative restrictions have severely curtailed the functioning of many NGOs:

- The **Foreign Contribution (Regulation) Amendment Act, 2020** tightened norms for foreign funding, forcing several organizations, including Amnesty India, to suspend operations.
- Increasing use of **anti-terror laws like UAPA** against activists and human rights defenders has led to fears of shrinking civic space.
- **Surveillance and administrative harassment** have also discouraged grassroots mobilization and independent reporting.¹⁵⁵⁵

While CSOs remain vital for democratic accountability, the **hostile environment** poses a threat to participatory governance and the realization of human rights.

8. Suggestions and the Way Forward

To ensure that human rights are not just aspirational ideals but lived realities, India must adopt a **holistic and progressive approach** involving legal, institutional, educational, and international dimensions.

8.1 Strengthen Legal Enforcement

There is an urgent need for:

- **Comprehensive Anti-Torture Legislation:** India has not ratified the **UN Convention Against Torture**, despite signing it in 1997. A domestic law with clear definitions, procedural safeguards, and accountability mechanisms is necessary to prevent custodial abuse.¹⁵⁵⁶

- **Implementation of Existing Laws:** Many human rights laws suffer due to poor implementation. For example, the **Transgender Persons Act, 2019**, lacks effective grievance redressal mechanisms and has gaps in resource allocation.

8.2 Judicial Reforms

- **Speedy Disposal:** Human rights violations often lose public attention due to **delayed trials and appeals**. Special human rights courts, as envisaged under the Protection of Human Rights Act, must be established and adequately staffed.
- **Victim-Centric Justice:** Legal proceedings should prioritize **compensation, rehabilitation, and dignity** of the victims, particularly in cases of sexual violence and custodial torture.

8.3 Robust Digital Privacy Laws

In the digital age, the right to privacy and data protection must be prioritized:

- The **Digital Personal Data Protection Act, 2023** must be strengthened to include **independent oversight bodies, minimal state exemptions, and greater individual control** over personal data.
- A clear legal framework for **surveillance regulation**, in line with the **Justice B.N. Srikrishna Committee Report (2018)**, should be established to prevent abuse by state agencies.¹⁵⁵⁷

8.4 Human Rights Education

- **Curriculum Integration:** Human rights education should be introduced at **school and university levels** to foster awareness, empathy, and responsibility.
- **Capacity Building:** Training programs for police, judiciary, and bureaucrats on

¹⁵⁵⁵ India: NGO Crackdown and FCRA Amendments”, Human Rights Watch, 2021

¹⁵⁵⁶ United Nations Treaty Collection. “Status of Convention Against Torture”. [<https://treaties.un.org>]

¹⁵⁵⁷ Justice B.N. Srikrishna Committee Report on Data Protection, Government of India, 2018.

human rights sensitivity are essential for better implementation.

8.5 International Cooperation

- India should actively **engage with UN treaty bodies** and implement the recommendations of **Universal Periodic Reviews (UPR)**.
- Regional cooperation with **SAARC** nations on refugee protection, trafficking, and border rights can improve human rights compliance.
- Participation in **international forums** can strengthen India's moral and legal standing and help build domestic consensus on progressive reform.

Conclusion

Human rights represent the **inherent dignity, equality, and freedom** of every individual, forming the bedrock of any just and democratic society. Their evolution—from philosophical ideals rooted in ancient civilizations to codified legal norms at national and international levels—reflects humanity's continuous struggle for justice, fairness, and respect for life. In the Indian context, the **Constitution of India**, particularly through **Part III (Fundamental Rights)** and **Part IV (Directive Principles of State Policy)**, provides a comprehensive and progressive framework for the protection and promotion of human rights. In addition, legislative enactments and judicial pronouncements have broadened the scope and applicability of these rights over time.

However, despite the existence of such a legal and institutional architecture, **significant challenges remain**. Issues such as **custodial violence, abuse of surveillance technologies, censorship, discrimination against marginalized communities, and lack of legal recognition for refugees and stateless persons** demonstrate that the realization of human rights in India is still an ongoing and uneven process. Moreover, structural barriers like **bureaucratic apathy, judicial delays, underfunded institutions, and shrinking civil**

space hinder the actual implementation of rights guaranteed on paper.

Addressing these challenges requires a **multi-dimensional and collaborative approach**. The **State** must ensure effective enforcement of rights and enact new legislation where gaps exist, particularly in areas such as torture prevention, digital privacy, and refugee protection. The **judiciary** must continue to adopt a proactive stance in interpreting rights expansively and protecting vulnerable populations. **Civil society organizations** play a crucial role in monitoring abuses, raising awareness, and bridging the gap between policy and people. Lastly, **international cooperation** is vital for upholding global human rights standards and ensuring accountability.

In conclusion, the protection of human rights cannot be the responsibility of the State alone. It must be a **shared societal commitment**, rooted in constitutional values and reinforced by active civic participation. Only through consistent efforts, inclusive policies, and respect for human dignity can India aspire to become not only the world's largest democracy but also one of its most just and humane societies.

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- **D.K. Basu v. State of West Bengal**, (1997) 1 SCC 416, regarding **custodial**

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