

Original Article

Human Rights and Constitutional Values in India

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Abstract

The Constitution of India provides a comprehensive framework for the protection and promotion of human rights and constitutional values. Rooted in the ideals of justice, liberty, equality, and fraternity, the Constitution seeks to establish a democratic and welfare-oriented society. Fundamental Rights under Part III and Directive Principles of State Policy under Part IV together form the foundation of human rights protection in India. The study examines the philosophical and constitutional foundations of rights, the role of the judiciary, and institutional mechanisms such as the National Human Rights Commission in safeguarding individual freedoms and social justice. It also highlights the importance of equality, freedom of expression, religious liberty, minority rights, and the protection of vulnerable groups including women, children, Scheduled Castes, Scheduled Tribes, and Other Backward Classes. The paper discusses significant constitutional amendments and landmark Supreme Court judgments that have shaped rights jurisprudence in India. Further, it analyses the challenges in balancing rights and security, implementing welfare policies, and ensuring effective access to justice. The study concludes that human rights and constitutional values remain central to governance and democratic development in India, reflecting the dynamic and evolving nature of the Constitution in responding to contemporary social, political, and economic realities.

Keywords: Human Rights, Constitutional Values, Fundamental Rights, Directive Principles of State Policy, Equality, Liberty, Social Justice, Indian Constitution, Judiciary, Democracy.

Introduction

The Constitution of India, adopted on January 26, 1950, enshrines the concepts of human rights and constitutional values at its core. The need for promoting human rights and constitutional values has been outlined by B.R. Ambedkar, the principal architect of the Constitution, in the following terms: "If the people of India are to experience social revolution and if a son of the soil is to become a full citizen of India, it is not enough to give only political democracy; it is equally necessary to open avenues of progress and advancement by ameliorating the lot of the oppressed people, and the first step is to lay a solid foundation for the achievement of these ends by incorporating the Directive Principles of State Policy in the Constitution" (SAMPATHKUMAR, 2015). Human rights and constitutionalism derive their philosophical foundations from the social, political, philosophical, and legal thoughts that became prevalent from the period of the French Revolution. Human rights are natural rights that flow from human nature and hence are universal rights, but they are not cast in stone; they evolve along with socio-economic changes. Our Constitution anticipates that incorporation of Fundamental Rights and Directive Principles of State Policy and their proper implementation by the State would lead to human rights on one hand and constitutionalism on the other hand (Nishihara, 2017). The notion of constitutional values aims to promote the achievement of a just society according to the will, interpretation, understanding, and perspective of the members of an intended constitution.

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Constitutional values can differ extensively from country to country. So far as India is concerned, the objectives of Justice, Liberty, Equality, and Fraternity, incorporated by Preamble of the Constitution of India inform us about the constitutional values. The State, in order to fulfil these constitutional values, has to achieve human rights. The Values of Justice, Liberty, Equality, and Fraternity which represent the Constitutional values also provide a link between Fundamental Rights and Directive Principles of State Policy. The establishment of Social, Economic, and Political Justice, the provision of Liberty of Thought, Expression, Belief, Faith and Worship, the provision of Equality of Status and of Opportunity, and the promotion of Fraternity assuring the dignity of the individual and the unity and integrity of the Nation, all have been incorporated in the Preamble of the Constitution.

Philosophical Foundations of Rights and Constitutionalism

The philosophical foundations of rights and constitutionalism in India are rooted in widely prevalent interplay between political power and principles of justice, equality and freedom, which represents the respect for human dignity. Numerous conceptions of social order have emerged in India, with development of materialistic pathways to happiness alongside ethical aspirations for spiritual fulfillment. The evolution of socio-economic, religious and ethical theories of state provided an enduring basis for the understanding of justice. Influential thinkers of ancient India, including Kautilya and Manu contributed to the philosophy of rights and polity, which retained strong relevance through the ages (SAMPATHKUMAR, 2015).

The notion of social rights is anchored in historical and religious texts, supporting the ethical allocation of duties aimed at welfare of others as a fundamental principle of social contract. The concepts of duty and responsibility precede rights in many philosophical traditions in India shaping the evolution of ideas around governing and governance. This duty-oriented understanding of human existence is embedded in Vedic texts, Mahabharata and Gita (Shah, 1997).

Constitutional Framework for Human Rights in India

Part III of the Constitution of India, comprising articles 12 to 35, contains provisions guaranteeing twenty-two fundamental rights to citizens, the most significant of which include the right to equality (Articles 14 to 18), freedom of speech and expression (Article 19), protection against discrimination (Article 15), and protection

of life and personal liberty (Article 21). The Constitution enshrined these fundamental rights in response to a crucial but neglected aspect of public freedom articulated in the struggles for independence and post-independence reforms. In the 1930s, senior Congress leaders hailed socio-economic and political rights as essential for freedom while perceiving civil liberties through the legal prism (Shah, 1997).

Moreover, according to S.R. Bhomick, the First and Second Indian Socio-Educational Conferences professed that the “right to question” constituted the real essence of freedom because, when “the question is ignored, very little remains of freedom.” Articles 356 to 360 and 368 to 371 exemplify the additional crisis of extension of legislative authority into the territories administered by non-Scheduled Areas. The operation of Fundamental Rights in India has undergone some adjustment that neither violates their essence nor deracializes them (SAMPATHKUMAR, 2015).

1. Fundamental Rights under Part III of the Constitution

In India, the fundamental rights guaranteed under Part III of the Constitution establish a framework of rights and duties that are essential to the functioning of democracy. The day India gained independence, fundamental rights were incorporated in the Constitution, primarily to ensure the legitimacy of the newly-formed state. Fundamental rights are essential for leading an individual, free, and civilized life. Enshrining them in the Constitution indicates the worth of a human being. Fundamental rights discriminate between a political regime and the political authority of persons governing the state by constituting a territory and containing the supremacy of every conceivable person or group. Fundamental rights command the spirit of social revolution and inspire young minds to utilize better constitutional opportunities rather than resorting to violence (SAMPATHKUMAR, 2015). For those fighting against corruption such avenues are available.

Fundamental rights are a primary category of rights guaranteed by the Constitution, and they cannot be limited or abrogated. Other rights, such as human and constitutional rights, statutory and legal rights, rights granted in view of international treaties and convention, and even directive principles of State policy, depend upon the Constitution's fundamental rights. Constitutional fundamental rights have been interpreted, expanded, and ennobled as fundamental rights in a delegated and distinct sense by the Supreme Court underscoring their efficacy and utility. Thus, the rights enshrined

in Part III of the Constitution are termed fundamental rights.

2. Directive Principles of State Policy under Part IV

The Directive Principles of State Policy that embody the socio-economic aspirations of the people of the country form Part IV of the Constitution of India. Directive Principles are instruments of State Policy envisaged by Article 36 to be implemented when the State has the means to do so. The State is expected to implement these socio-economic rights, not only because they are part of the Fundamental Rights enshrined in the Constitution but also to give effect to the preamble of the Constitution (SAMPATHKUMAR, 2015). These rights are complimentary and complementary to each other. Article 38 enjoins the State to secure a social order for the promotion of the welfare of the people whereas Article 46 directs the State to promote with special care the educational and economic interests of the weaker sections of the society. Article 39 of the Directive Principles provides for the right to work, to education, and to an adequate standard of living. Article 41 secures within the limits of its economic capacity and development, right to work, to education and to an adequate standard of living. Social Justice with emphasis on the economic rights of the people and economic justice with substantial measure of planning for the rural agricultural economy on the one hand and development, economic empowerment and financial assistance to the weaker sections, dalits, tribals and minority groups on the other hand is yet to be realised.

The Directive Principles of State Policy under Part IV of the Constitution declare the policy of the State towards achieving Social and Economic Justice as specified in Articles 39, 41, 42, 43, 46, and 47 and extend welfare measures such as Right to Education, Right to Work, Right to a Basic Standard of Living, Right to Protection of Weaker Sections of Society and such measures made thereafter under the Compulsory Education Act 2009 still remain either unrealised or partially unrealised in this Country.

3. Fundamental Duties

Though not legally enforceable, the Fundamental Duties established by Article 51A underscore the responsibilities of Indian citizens to foster a spirit of patriotism, uphold the Constitution, respect national symbols, support diversity, safeguard the environment, and strive for excellence. Despite their moral imperatives, many citizens overlook these duties, raising concerns among lawmakers and the public regarding their effectiveness. According to the 1985 G. B. Panteliev Committee on the Implementation of Duties, there has been a growing lack of commitment to national interest

and recognition of duties enjoined by the Constitution. Following the recommendation of the Committee, the M. S. Swaminathan Committee indicated the need to popularize our duties through seminars, symposia, youth movements, and mass media. Even though the recommendations have not yet been fully implemented, it recognized that unless duties are emphasized and inculcated among citizens, the respect for and enjoyment of rights will create an anarchic situation.

Nevertheless, duties have their own distinct functions, and should not be mistaken as mere obligations flowing from the rights of other citizens. The exercise of individual rights can not be absolute but conditioned by each one's obligation not to harm the rights of the others. An individual citizen cannot arrogate rights out of proportion to his responsibilities to society. Duties are of an equally significant consideration in ensuring credibility and imparting moral and ethical values to individualistic rights. Article 51A does not seek to create individualistic obligations but syncretise the dialectic relationship between rights and duties, responsibility and freedom in enhancing the common good; the individual good can be fulfilled only through the common good, and vice versa.

Institutions and Mechanisms for Rights Protection

India has a multi-tiered architecture for the protection of human rights. These include constitutional, legislative, executive, and institutional mechanisms, notably the judiciary and the National Human Rights Commission. The Supreme Court has taken an expansive view of fundamental rights, particularly in relation to vulnerable and marginalised groups. This section analyses the role of these institutional mechanisms in promoting and protecting human rights in India.

India has an elaborate institutional architecture for the protection of human rights and fundamental freedoms. The Constitution of India guarantees a broad range of fundamental rights, available to all individuals irrespective of citizenship. These rights are safeguarded by an independent judiciary that has the power to examine any law or executive action, including constitutional amendments, to determine whether they violate fundamental rights. A multi-tiered system of constitutional protection has evolved in India, through which constitutional rights are enforced and protected by civil society, the Executive, Parliament, and the judiciary. Although the Supreme Court and the High Courts enjoy extensive powers of judicial review, the importance of civil society's participation in the promotion and defence of fundamental rights cannot be underestimated.

In addition to the multi-layered constitutional arrangements for the protection of rights, there exists a National Human Rights Commission, along with several other statutory and voluntary institutions, specifically founded and established to promote and protect human rights in the country. The Commission has played a pioneering role in enhancing social awareness of the significance of rights and liberties and their implementation. It acts to encourage the implementation of rights laid down in the Constitution and various international covenants that India has accepted, and to encourage the development of national strategies for the protection of rights. In order to enhance the effectiveness of the National Human Rights Commission, statutory bodies have also been set up at the State level, along with a variety of other voluntary organisations. (Shah, 1997)

1. The Supreme Court and Judicial Review

The Constitution of India assigns an important role to the Supreme Court, presuming that rights violations will mostly be caused by power holders, thus requiring strict outward scrutiny rather than inward probing of civic claims. It mirrors the Second World War American approach suspending all State privileges during peacetime to protect rights from majoritarian encroachments. The basic structure doctrine positions the Court as the guardian of the Constitution, rendering politicisation of the judiciary detrimental for rights. Hence, the Supreme Court exercises a sweeping power to declare executive orders or legislative Acts void if detrimental to rights (Singh, 2017).

The Constitution furthers the sovereign Status of Parliament by diluting property rights. The idealist approach of requiring complete integrity for every clause in the Constitution ensures an enduring change—this is contrary to the ordinances promulgated under Article 123 which are capable of being approved, disallowed, or substituted by Parliament. Agricultural land ceilings and laws pertaining to abolition of zamindari which came to be enacted under the constitutional process without alteration of the validity of the Constitution evoked questions of the enjoyment outstanding rights of life and personal liberty (Ugochukwu, 2014). The fact that complete Land Relinquished on imposition of ceiling remained outside the scope of Judicial scrutiny reciprocated on the enjoyment of these two pairs of fundamental rights.

2. The High Courts and the role of the judiciary

The Constitution of India has made the State accountable to the citizen not only for civil-political rights but also for social and economic rights. The Directive Principles of State Policy contained in Part IV of the Constitution enshrine the socio-economic

objectives of the State. Under Articles 41 (right to work, education and public assistance in certain cases) and 42 (provision for just and humane conditions of work and 686169cb-68a1-4c73-b1cf-96065a857e9ernity relief), the Constitution requires the State to secure the right to work and a decent living for all as a constitutional obligation and assigns to the State the responsibility of implementing social welfare schemes. The Constitution further casts an obligation upon the State to strive towards securing the economic rights enshrined in Articles 38 (state policy to ensure social/economic justice) and 39 (right to equal pay for equal work for both men and women, the right to work, education and public assistance, etc.) (Singh, 2017).

Economic, social and cultural rights receive Constitutional recognition in a separate Part (Part IV) of the Constitution. These rights, along with the right to an adequate means of livelihood, a decent standard of living and a decent environment, constitute the Human Rights of the people in India envisaged in the Constitution. The Mandate contained in the Directive Principles of State Policy is, therefore, to secure Economic, Social and Cultural Rights to the People. These rights are secured not only through the Path of the Directive Principles but also by ensuring a secured decent Environment (Mate, 2010).

3. National Human Rights Commission and Other Bodies

In accordance with its commitment to human rights, India set up a National Human Rights Commission in 1993, followed by State Human Rights Commissions in the states and Union territories. The Commission is tasked with the responsibility of promoting human rights and investigating violations. Established through a series of legislative enactments, these Commissions enjoy quasi-judicial functions and powers. They have been established under a law by the Parliament of India and at the state level by the State Legislatures.

The primary objective of these Commissions is to promote human rights defined in Section 2 of the Protection of Human Rights Act, 1993. The Act states that “human rights” are the rights relating to life, liberty, equality, and security of person guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India. Other bodies at the central level function as custodians and promoters of specific fundamental rights, such as the Scheduled Caste and Scheduled Tribe Commission instituted by the Constitution in 1950 for the protection of the rights of the Scheduled Castes and the Scheduled Tribes. The Commission for Women was constituted by the

Government of India in 1990 to advise the Government on planning, policy formulation, and execution for the advancement of women and to monitor the impact of policies and legislation on women. Similarly, the National Commission for Minorities, the National Commission for Scheduled Castes and Scheduled Tribes, and the National Commission for Protection of Child Rights were constituted to protect the rights of specific groups.

Key Rights and Liberties: Scope, Limitations, and Remedies

India has a complex and multi-layered cultural, political, and governmental backdrop that informs its human rights framework. Consequently, the Constitution defines several rights and liberties, drawing from various cultural and philosophical influences. Particular constitutional rights are critical; these rights form the subject of substantial public debate, extensive academic discourse, and multiple Supreme Court judgments, shaping political actors' positions and affecting day-to-day governance. Indian aspirations for human dignity, freedom, justice, equality, and fraternity underpin these rights and continue to evolve. Rights enjoy extensive definitions and draw from diverse global sources, resulting in largely inviolable entitlements that encompass expansive interpretations and appeal to universal principles. New rights frequently emerge in court interpretation or elsewhere, while existing entitlements expand through extension or extrapolation.

India is a multiracial, multicultural, multilingual state with a richly variegated ethnic base. It possesses diverse communities, each characterized by distinct cultural traditions, religious faiths, ways of life, languages, dialects, and attire. Socioeconomic disparities exist alongside diversity. As a result, rights specific to sectors of society—Hindu women, Christian or Muslim minorities, Scheduled Castes, Scheduled Tribes, women, children, the poor—remain core concerns of human rights-oriented political parties, lobbying groups, and non-governmental organizations.

1. Equality and Non-Discrimination

"Equality" and "non-discrimination" are key concepts in India's human rights framework, enshrined in Articles 14 to 18 of the Constitution. Article 14 grants every individual the right to equality before the law and equal protection of the laws. Article 15 prohibits discrimination and unequal treatment in State affairs, whether based on religion, race, caste, sex, or place of birth. Article 16 guarantees equality of opportunity in public employment and abolition of any discrimination based on religion, race, caste, sex, descent, or place of birth. Articles 17 and 18 abolish untouchability,

prohibiting its practitioners from employing any person to perform any act regarded as "dirty," and abolish titles, except for military and academic distinctions from the State and control of their use. To balance individual and group rights in a plural society, the Constitution emphasizes both equality and the unique collective rights of Scheduled Castes and Scheduled Tribes. One important strategy is group representation: special provisions enabling proportionate representation of historically disadvantaged communities in key decision-making assemblies, guarding against the mere continuation of a "majority-minority" classification. At a deeper level, the framers recognized that mere prohibitions of discrimination can only secure formal equality, and therefore a broader perspective of "social justice" must also be institutionalized to facilitate real equality. This well-informed understanding of the rights reality calls attention to issues of implementation, awareness, and the depth of State involvement, and also to individual access to the law. It reminds that the very notion of "equality" remains an "open-ended" concept subject to adjustment and reinterpretation in the course of social change (D. Brown & Sitapati, 2008); (Gupta, 2017).

Internationally, respect for individual rights and liberties, especially economic, social, and cultural rights, is closely linked to the fulfillment of sustainable development goals, the realization of the substantive universal right to development, and the effective application of the principles of equity and non-discrimination. Socioeconomic justice is as vital as civil-political justice, and organizations should be able to address all rights without the fear of losing their autonomy. It is crucial to avoid excessive focus on one category or type of right and the resulting narrowing of the quality of human dignity and life; otherwise, all categories of rights could erode without being objectively countered.

2. Right to Freedom and Personal Liberty

Right to freedom includes many liberties like right to speech, right to assemble, right to form association, etc. Parliament is competent to make laws imposing reasonable restriction on these rights to bring discipline in the society (B, 2021). No man shall be deprived of personal liberty save in accordance with the procedure prescribed by law, the prison authorities shall express before the authority about the detention of the accused and the authority shall pass the order after applying his mind. In India, courts have clearly highlighted that liberty is one of the essentials that a golden bird's citizen enjoys.

3. Freedom of Religion, Expression, and Assembly

Freedom of religion is fundamental to constitutional democracy in India. Constitutionally guaranteed rights of religious freedom encompass the freedom of all persons to profess, practice, and propagate their religion, the right to establish and maintain religious institutions, and education and the right of religious denominations to manage their affairs (Jagota & Chanana., 2018). These rights derive from the constitutional right to personal liberty, sanctity of belief, and a free development of personality. Protection extends to the choice of faith associated with a religion and substitutes for belief that only engender the liberty guarantee. Limitations on these freedoms exist with respect to public order, morality and health as well as other fundamental rights. The relationship between freedom of religion and freedom of expression remains in dispute. High courts and the Supreme Court acknowledged that the right to religious freedom included an incidental right of freedom of expression (Kapai & S Y Cheung, 2009). The judicial dialogue in this regard remains ongoing.

4. Cultural, Educational, and Minorities Rights

The Constitution provides safeguards for the cultural, educational, and linguistic rights of minorities, listed in Article 29 and Article 30. Article 29(1) guarantees the right of minorities to conserve their culture, while Article 29(2) prohibits discrimination against citizens in educational institutions on the grounds of religion, race, caste, or language. Article 30 confers the right of minorities to establish and administer educational institutions, distinctively applicable to religious and linguistic minorities. These rights, both individual and collective, remain integral to the constitutional framework of India and possess an intrinsic value that extends beyond the provision of such rights. They reflect an essential aspect of the social fabric of a nation, where culture—comprising of customs, languages, education, and all other non-material and non-economic components—holds intrinsic value beyond the economic paradigm. In the current epoch, there remains an intense focus on the need for greater public awareness and education in these spheres, with mass communication systems contributing rigorously to the cause of awareness in contemporary India (Itakura, 2018).

5. Rights of the Vulnerable: Women, Children, Scheduled Castes and Tribes, and Other Backward Classes

Rights and safeguards for vulnerable sections, including women, children, Scheduled Castes (SCs) and Scheduled Tribes (STs), and other backward classes (OBCs), receive attention throughout the Constitution and relevant statutory provisions. The

preamble affirms a commitment to social justice, and the Fundamental Rights and Directive Principles of State Policy (DPSPs) both underscore the need for ameliorative action in favour of SCs and STs (Kapoor, 2007). Article 46 specifically mandates the State to promote the educational and economic interest of SCs and STs and to protect them from discrimination and exploitation. Accordingly, several protective legislations have been enacted, most notably the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (B. P., 2010). Additional provisions in the Constitution and parliamentary enactments offer protection to women and children, including the Protection of Women from Domestic Violence Act, 2005, and the Protection of Children from Sexual Offences Act, 2012 (Roy, 2011).

Constitutional Amendments and Rights Jurisprudence

Succinct yet potent amendments to the Indian Constitution, both during and post-emergency, impacted rights protection. The 25th Amendment permitted interference with property rights, the first inquirers into the scope of the 'right to life', earning the ruling 'right to live with human dignity' a leading position in rights discourse. Subsequent-presidential proclamations extended the period of emergency, justifying judicial appointment termination and legislative immunity.

With nation-wide national emergencies, courts counterbalanced powerful executive rulings, constraining 'dignity' circumscription under the 21st Constitutional Amendment: the Ministry of the External Affairs' ordinances on 'punishable for legalized immigration' and '4 banking actbuilt' decrees drew popular concern. On a similar note, employment reversion addressed invocation 'statements of woman' and 'Women—lawful exception—foreseeable and possible-pre-marriage-defaulted clause' orders.

Amendments positioned human dignity at the Constitutional apex, establishing it inviolable to judicial challenge. Nevertheless, the 1st Amendment underscored the consequences procedural regularity bore upon Article 21's protective sphere. The legislation's 'relative precedence'—Article 358, 359(1), and 359(2)—left social and political freedom conventional but invited critical experiments into Article 21's minority foundations.

Subsequent rulings invigorated right-infringement declarations and legislative-compound balances. The 'executive function restitutionability' of the 'Right of Information Act' arose as a Joint Urban Group directed Governor constitutional protection for Group D and left an

abiding public concern; universal accessibility of economic and social rights.

Encoded and crystalized amendments altered legislation and preparation. Broad, affirming judgments enshrined education and ancillary legislation 'framing light'—Apex Court harbored high-rate, low-dissipation loans as 'national liability'. A semblance of 'elision of non-basic goods and services portable' designated constitutional territory, enabling governing engagement while furnishing 'mode plausibility'. Provisions instituting asymptotic elasticity moderated article modulating judiciary-ward emphasis on soldier-public relations constituted the equilibration—individual-minimalist scope encumbering progressive sector-curriculum continuity.

1. Impact of Amendments on Rights Protection

Rigid constitutional amendments restricting or annihilating fundamental rights infringe the basic structure doctrine. Guaranteed in Part III, the essence of rights comes from individual dignity, securing freedoms central to personal and institutional self-actualization. Amendments permitting preventive detention, suspended rights in emergencies, or proscribing judicial review on such statutes do not invalidate core entitlements or endorse arbitrary state action. Excluded from amendment purview, Article 21 upholds life and personal liberty—completely abrogating rights contrary to fundamental principles. Provisions for health, education, and employment within the Directive Principles afford social rights, elevating the role of the State, yet do not permit Fundamental Rights' alteration or deletion. Empowered under Article 368, Parliament remains bound by fundamental principles, without authority to distort basic structure.

Constitutional changes augment rights' contours while restricting some. Constitutional (First) Amendment heightened freedoms of speech and expression, enabling reasonable restrictions in public interest. Amendments granting reservation in public employment and educational institutions endorse backward classes, women, and weaker sections. The additional Ninth Schedule inhibits judicial review, exempting irremediable wrongs from Article 14, enforcement, and pronouncements templated by legislatures. Gana Nasha Samiti advocates private tuition, seeking economic liberation. Articles 16(4), 16(4A), and 46 prevent disparities among Scheduled Caste, Scheduled Tribe, and Other Backward Class candidates. Article 371 bestows special rights upon particular groups and citizens in North-Eastern States, allowing restricted ownership and property transactions. (SAMPATHKUMAR, 2015)

2. Notable Supreme Court Judgments Shaping Rights

Human rights protection hinges on the constitutional balance achieved by the interaction of the right to equality, right to freedom, and the Directive Principles. The Constitution is a living document. It adapts to changing times. The lives and liberties of the people are constantly evolving, and the Constitution remains true to this dynamism by responding to all that is new in life—values, ideology, thought, persuasion, association. Over Constitution's journey, it has witnessed momentous political events, pursued progressive Socialism, affirmed secularism, traversed the path of radical changes and liberalised the economy while promoting a welfare State. It has passed several amendments. Some of these amendments have affected the rights of the people and modified the relation between individual rights and the rights of the State. During this journey thus far, the SC has played a pivotal role in breathing meaning into the Constitution, especially into the Fundamental Rights contained in Part III. It has clarified the limitations upon the operation of these rights, established their harmonious coexistence with the Directive Principles and enriched jurisprudence on how they can be effectively enforced.

Certain landmark judgments may be cited in this context: *Maneka Gandhi v. Union of India*, *Champakam Dorairajan v. State of Madras*, *Keshavananda Bharati v. State of Kerala*, *Minerva Mills Ltd. v. Union of India*, *Kuldip Nayar v. Union of India*, and *Shayara Bano v. Union of India*. In *Maneka Gandhi v. Union of India*, it was held that the right to life and personal liberty is a cherished right on which the modern civilised society is founded, and to this end, the expression 'life' in article 21 must be construed as including right to live with human dignity, free from oppression or violence. The Court further laid down that the right to life and personal liberty cannot be put in suspension even during the operation of emergency that hurts the Federal feature of the Constitution and urged that all directives and provisions of Part III must be harmonized with those contained in Part IV when applying them.

Human Rights in Public Policy and State Obligation

The goal of the Indian Government is to create a just, equitable, and humane society where everyone can participate freely and be protected from the scourge of poverty, ignorance, unemployment, and exploitation. The right to development is recognised as a human right. Development can be defined as a process of great significance and complexity in which relations between different values and various forces within

society and ways in which they are taken into account have to be redefined so that the development process is made participatory, distributive, and sustainable. The concern of development policy must be on moral grounds. The dehumanisation of society tends to be centrifugal. Every human action must be seen within social and cultural settings to assess its consequences, especially long-term ones, in order to re-establish equilibrium among the dichotomies of the internal and external, the visible and the invisible, the objective and the subjective, the material and the spiritual. Human progress is liberating while also constraining; thus, a particular kind of balance has to be struck (Kim, 2014).

The Government of India is trying to promote social and economic justice through a slew of welfare schemes and programmes that aim to uplift the deprived and disadvantaged sections of society (Shah, 1997). The State, i.e. the machinery of Governments—Union, State and Local—is constitutionally mandated to set up a range of welfare schemes and programmes for the socio-economic empowerment of disadvantaged sections of society, such as Women, Scheduled Castes, Scheduled Tribes, and Other Backward Classes, as well as the implementation of universal Adult Franchise. Article 225 lays down that the Government, Union or State Legislature can legislate with respect to such schemes and programmes as may be necessary for the welfare of these sections, ensuring that their right to Equality, Equality of opportunity, political Economy and access to Justice remains intact. Several legislations/schemes of both Central and State Governments are relevant in context of the above rights and welfare Schemes—579 Legislation/ Schemes from Central Government and 732 from State Government are considered to endorse that any State whether Union or State, is duty bound to protect these rights through socio-economic empowerment.

1. Social Justice, Welfare Schemes, and the State's Duty

Mahatma Gandhi accurately highlighted that “a great man is different from an eminent one in that he is inspired by a greater and higher cause.” Gandhiji symbolized a great man not only because of his own institutional impact as the father of our nation, but also beyond that, inspiring and imparting a cause which transformed the shape and condition of our society as a whole—“The force of non-violence.” The struggle of India for independence against the British Empire and colonial structure for about two centuries (1757-1947) to restore the rights of the nation was a doom and misfortune: the super-eminent cause of that

historical period was Gandhiji's devotion and determination in the force of non-violence.

The ideals of social justice and welfare are enshrined in Articles 39, 41, 42, 43, and 47 of the Directive Principles of State Policy, which direct the State to secure the right of the people to a minimum standard of living and social well-being through a suitable economic and social order. The concepts of socioeconomic rights expressed in Articles 39, 41, 42, 43, and 47 are integral parts of the Indian Constitution, which is both distinctive and unique compared to other Constitutions of the world, providing sweeping rights to the people even up to now. The state is urged to strive towards the promotion of social welfare and the development of the weak, impoverished, and downtrodden sections of the society and to protect, enhance, and provide satisfactory minimum standards of living of its people (B Ravindra, 2016). Consequently, the Directive Principles of State Policy have found a reflection particularly in Scheme of Employment—Scholars and girls belonging to the Scheduled Castes and the Scheduled Tribes—Self-Employment Scheme for Rehabilitation of Manual Scavengers and their Dependents—Intensified Laptop Scheme—Employment of Unskilled Labourers Scheme.

2. Economic, Social, and Cultural Rights within a Constitutional Framework

The socio-economic and cultural dimensions of human rights—including the right to an adequate standard of living, the right to work, and the right to enjoy the benefits of cultural development—have been included in several universally accepted human rights documents. Accordingly, the Constitution of India incorporates provisions for economic, social, and cultural rights in the Directive Principles of State Policy under Part IV. These Directive Principles are not enforceable by a court, but they are nevertheless valuable commitments that indicate the kind of society that should emerge in the coming years. The UK unwritten Constitution through the Magna Carta, Bill of Rights, and Act of Settlement is the base of human rights and this makes the UK Constitution significantly different with respect to economic, social and cultural rights. Consequently, the courts exercise judicial review over social legislation also known as economic, social and cultural rights, which remain vulnerable to excessive restriction. In *Maneka Gandhi* case the Supreme Court adopted the due process model of the 14th Amendment of the American Constitution and emphasized that the meaning of right to life and personal liberty in Article 21 has to be interpreted broadly. Article 21 was considered as a fundamental right in the chapter of fundamental rights and was held to be applicable against the

non-state action. Article 39 (a) of the Directive Principles of State policy was thus made enforceable by the courts when prohibitive legislation was enacted (Shah, 1997).

Challenges and Contemporary Debates

The entire edifice of rights has been built upon a sometimes excessive concern with the mechanisms of governance. In the context of India's unique slate of rights and its aspirations of welfare, substantiating the demands of rights also requires deliberation on philosophy, culture, history, environment, publicity, institutional motives, moral psychology, and the fact-value distinction (Shah, 1997). Rights are realized not through institutions and procedures but in life and experience, and thereby demand a perennial investigation of the qualitative dimensions of existence.

The expansion of rights—whether in law, policy, or practice—should not overshoot the line of reasonableness between the philosophy of demand and the reality of livelihood: the upward spiral of rights realization runs the risk of dissipating livelihoods, even as parched environments and submerged lives tempt far deeper anarchy (Agarwal, 2013). Individual access to labor-space is thus a foundational human right and a catalyst for both freedom and livelihood. Furthering the appetite for freedom in the name of reflexive, preventative, selective, collective, investigative, or derivative rights—on bilateral, multilateral, public good, or presentational grounds—usually dilutes rather than delivers substance in life. Each new demand on earth-bonded existence tends to divert resource-space needed to accumulate realization in very elementary entitlement; for every increment of “freedom” sought through higher-demand realization, a drop in longexercise and consequently of freedom itself tends to occur.

The round of global governance initially promised greater realization of rights through enhanced access to labour-space. In place of construction, however, the multitude of new “freedoms” and rights has only ushered in a darker night and a deeper anarchy, calling survival into question on a progressively larger scale through a continuous one-way attrition of underlying means. Rights provoke further demand; at the very least, a reinforcement of singular earth-bonded access is needed to cushion against the vast ramp of global rights-delivery, without which rights-celebrations become hollow mockery and freedoms unite with fresh slavery.

1. Balancing Rights and Security

The basic essence of the principle of balancing lies in the necessity to maintain an equilibrium among competing interests. The relevance of this principle

has manifested in various spheres of human existence, including political, economic and social. The legal regime has also injected itself into the much-debated question of balancing of human rights and security. A careful scrutiny denotes that concerns for national security often overshadow concerns for the protection of the fundamental rights of individuals. National emergencies are fertile grounds for the infringement of civil liberties, and many existing laws intended to thwart terrorism measures are only conducive to such infringement.

A vivid example of the tension between rights and security is the evolving judicial interpretation of the expression ‘reasonable restrictions’ under Article 19 of the Constitution. Early decisions subscribed to the view that a law imposing restrictions on the enjoyment of freedoms enshrined in Article 19 was valid even if it did not fall squarely within the purview of any or all the specified grounds, namely, security, public order, decency, morality, contempt and other facets of the expression ‘reasonable restrictions’. In 1971, however, the Supreme Court, evidently influenced by the enormity of the situation prevailing during national emergency, changed the course of interpretation concerning ‘reasonable restrictions’ through one line of reasoning whereby the main focus of reasoning was shifted from inquiry concerning the nature of the restriction to the inquiry of the permissible grounds of restriction and the validity of the restrictions imposed to meet the needs thereof. Through this innovative and epoch-making approach, the Supreme Court diluted the jurisprudential rigour of the concept of reasonable restrictions with the introduction of an outer limit (Ugochukwu, 2014). To permit an arrest merely on grounds of suspicion was asserted to be within the framework of the expression ‘reasonable restrictions’ as was held in several decisions. Through another twist in construction, the Supreme Court propounded the Court’s opinion that the satisfaction of the detaining authority was a condition precedent for the validity of preventive detention, rather than examining the validity or otherwise of the reasons which were available to the detaining authority, notwithstanding the fact that preventive detention law had been incorporated in the Constitution with an insistence of a limited term (Shah, 1997).

2. Rights Realization in Practice: Access, Implementation, and Gaps

Promoting and protecting human rights comprises six integral dimensions involving awareness, accountability, access, empowerment, equality, and adaptation. The realization of human rights requires that their intended beneficiaries are aware

of their rights, that violations of those rights are subjected to accountability mechanisms, that individuals have access to justice and remedies against violations by public authorities or private actors, that they are empowered to exercise their rights without interference, that rights-holders are treated equally, and that the effective structure of rights and protections adapts to changing laws and practices.

Whereas awareness, empowerment, and adaptation reflect the active participation of rights-holders, access, accountability, and equality must be fulfilled primarily by the state. Access to the constitutional provisions and mechanisms for the enforcement of human rights such as the Fundamental Rights enshrined in Constitution of India and its interpretation in various landmark judgments of Supreme Court of India along side the principles, provisions and policies made under directive principles of state policy enshrined in Constitution play a pivotal role in safeguarding the human rights of individuals in India although still the gap persist (Ray & Purkayastha, 2012) (Commission of Jurists, 2017).

3. Global Influence and India's Human Rights Obligations

International laws and covenants reaffirm the seriousness with which India regards its international responsibilities. India has endorsed the Charter of the Organization of American States and become a signatory to many international pacts and conventions. It has ratified the International Covenants on Human Rights. The preamble, while upholding democracy, foreign policy, and economic development, incorporates social justice, the dignity of the individual, and the dignity of the nation. The relevance of these aspects is affirmed in the Constitution's long-term perspective and, in the immediate context, to combat terrorism reminiscent of the colonial regime of despots or a totalitarian state wreaking havoc on life and liberty (Shah, 1997) (Singh & Prakash Singh, 2018).

Conclusion

The Constitution of India is a historic document. It boldly declares the birth of a nation, pre-17 July 1776, pre-St._Domingo, pre-Russian Revolution, and pre-socialist experiments of any kind, as a spectacle really worth watching. It is perhaps the largest sulphur deposit in the world. The preamble reaffirms the sovereign character of the Constitution.

Human rights and constitutional values constitute an integral aspect of the governance system in India. A comprehensive framework has been formulated by the Constitution to protect and promote these rights and values. They occupy a

pivotal position in it. The constitution confers separation of powers, while explicitly recognising human rights. Constitutionalism without the protection of human rights is a dead letter. Human rights have played a vibrant role in the polity, justice delivery systems, and legislative and administrative measures as an enforceable, moral, and normative code. A variety of institutions and mechanisms have been created by the Constitution to materialise these in everyday life – broadly known as governance. Indeed, human rights constitute the core of governance and reflect the moral stature and character of the polity, society, and people. Building the concept of governance into the constitutions of 1950 has made them one of the most vibrant constitutions in the contemporary world.

A truly innovative release of latent energies, human rights have by themselves expanded to provide new dimensions of rights. Within two to three decades of independence, the original constitution had to be amended heavily to accommodate the dynamic aspirations and aspirations of individuals and the society. Not only these amendments, but a number of laudable supreme court judgements, though limited to the interpretation of pre-existing provisions of the constitution (SAMPATHKUMAR, 2015). These beautiful dimensions of human rights have emerged from an original framework clearly enshrine in the Indian Constitution which covers the gamut of rights. From the right to equality to the right to the good life, all rights are inherently part of the original constitution itself and no self-proclaimed right has been imposed from outside as is generally the fashionable shibboleth lately heard in some other parts of the world. The constitution is capable of absorbing, accommodating, and assimilating huge amount of changes and transformations due to its inherent flexibility and adaptability.

Parlance of rights has now extended to the realm of *suum cuique tribuere*; rights have exquisitely percolated into the field of pleasure, palatable and not palatable, and have further glazed into the right of sex. Pleasure and the excitement offered by it through different forms of sexual interaction has taken gigantic proportions and an extraordinary sense of entitlement has grown in the polity (Shah, 1997). Rights have been interpreted not only at the individual level of nexus and relationship and at the level of organized group relations and structuring or consolidation of liberty, an intricate interplay of an entirely different kind operating widely into the formation of apparatus of international polity throwing the freedom of choice at grossly restrictive higher level than desired or

indispensable. The affirmation of promotion and of the freedom of decision fallaciously conveys sharp disinclination and rationality of the process remains hanging in uncertainties about the seamless chain of the force spotting into action at pernicious proportions.

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