



INDIAN CONSTITUTION & HUMAN RIGHTS

UNWHF-IET-EU



Abstract

The Constitution of India, adopted on 26th November 1949 and effective from 26th January 1950, is the supreme law of the land and the longest written national constitution in the world. It establishes India as a sovereign, socialist, secular, and democratic republic, guaranteeing justice, liberty, equality, and fraternity to all citizens.

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Indian Constitution & Human Rights

Indian Constitution

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📖 Introduction to the Indian Constitution

Historical Background

- Drafted by the **Constituent Assembly of India** between 1946–1949, Chaired by **Dr. B.R. Ambedkar**.
- Adopted on **26th November 1949** and came into force on **26th January 1950**, celebrated annually as **Republic Day**.
- Superseded colonial laws such as the **Government of India Act, 1935** and the **Indian Independence Act, 1947**.²

Key Features

- **Length & Detail:** Originally contained **395 Articles and 8 Schedules**, making it the longest national constitution ever adopted.
- **Framework:** Defines the **political code, structure, powers, and duties** of government institutions.
- **Fundamental Rights (Part III):** Protect civil liberties such as freedom of speech, equality before law, and protection against arbitrary arrest.
- **Directive Principles (Part IV):** Guide the state in promoting social and economic justice.
- **Fundamental Duties (added in 1976):** Outline responsibilities of citizens.
- **Federal Structure:** Divides powers between Union and State governments.

¹ Wikipedia

² Wikipedia

- **Independent Judiciary:** Supreme Court and High Courts safeguard constitutional supremacy.³

Preamble

The Preamble declares India to be a **Sovereign, Socialist, Secular, Democratic Republic** and assures its citizens:

- **Justice** (social, economic, political)
- **Liberty** (thought, expression, belief, faith, worship)
- **Equality** (status and opportunity)
- **Fraternity** (dignity of the individual and unity of the nation)⁴

Graph Idea (for a report)

A timeline graph showing **major constitutional amendments** (e.g., 42nd Amendment in 1976 introducing Fundamental Duties, 73rd & 74th Amendments in 1992 strengthening local governance, 103rd Amendment in 2019 introducing EWS reservation).

Suggested Photos

- **Helium-sealed copy of the Constitution** preserved in Parliament House, New Delhi.
- **Republic Day Parade at Kartavya Path**, symbolizing the Constitution's enforcement.
- **Portrait of Dr. B.R. Ambedkar**, chief architect of the Constitution.⁵

Importance

The Constitution is not just a legal document but a **social contract** reflecting India's freedom struggle and civilizational heritage. It continues to evolve through amendments and judicial interpretation, ensuring relevance in modern governance.

³ Wikipedia

⁴ Wikipedia

⁵ NCERT

Summary: The Indian Constitution is the primary legal guarantor of human rights in India, embedding civil, political, economic and social rights and enabling judicial enforcement; recent data show persistent gaps in physical-integrity rights and high complaint volumes to the NHRC, signalling implementation shortfalls that New Delhi policymakers must prioritise.⁶

1. Quick facts (India, current context)

- **Constitutional basis: Fundamental Rights (Part III)** protect civil and political liberties; **Directive Principles (Part IV)** guide socio-economic rights.
 - **Key institutions: Supreme Court** (judicial enforcement), **NHRC** (statutory watchdog under the Protection of Human Rights Act, 1993), and **state human-rights commissions**.⁷
 - **Recent data highlights: NHRC** continues to receive large complaint volumes and run field inquiries; independent expert surveys (HRMI) rate India low on safety-from-state indicators (e.g., freedom from arbitrary arrest and torture scores under 4/10).⁸
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2. Data snapshot (table)

Indicator	Value / Finding
NHRC activity	Active field presence and high complaint caseloads; ongoing investigations into custodial deaths and bonded labour. ⁹
Physical-integrity score (HRMI)	~3.8–4.6 / 10 across arbitrary arrest, torture, extrajudicial execution. ¹⁰
Reported custodial/encounter deaths (2024)	NHRC and media report hundreds of custodial and encounter deaths; government investigations limited. ¹¹

⁶ [National Human Rights Commission India](#) & [humanrightsmeasurement.org](#)

⁷ [National Human Rights Commission India](#)

⁸ [National Human Rights Commission India](#) & [humanrightsmeasurement.org](#)

⁹ [National Human Rights Commission India](#)

¹⁰ [humanrightsmeasurement.org](#)

¹¹ [U.S. Department of State](#)

3. Representative case summaries (concise)

- **Maneka Gandhi v. Union of India (1978)** — Expanded **Article 21** (personal liberty) to require **procedure established by law** to be fair, just and reasonable; strengthened due-process protections. (*landmark jurisprudence; judicial text*).
- **Prakash Singh & Ors. v. Union of India (2006)** — Supreme Court directives on **police reform** (fixed tenure, selection panels, state security commissions); slow implementation remains a policy gap. (*policy impact; implementation shortfall*).
- **NHRC inquiries (recent examples)** — Investigations into custodial deaths, bonded labour in brick kilns, and police encounters highlight systemic accountability issues.¹²

4. Key challenges

- **Implementation gap:** Strong constitutional text and court rulings are not always matched by administrative follow-through or budgets. **NHRC follow-up capacity is constrained.**¹³
- **Physical-integrity deficits:** Expert data show **low scores for freedom from arbitrary arrest and torture**, indicating systemic risks for vulnerable groups.¹⁴
- **Accountability shortfalls:** Investigations into custodial and encounter deaths are frequent but prosecutions of officials are rare.¹⁵

5. Practical recommendations (priority actions for New Delhi)

- **Convert judicial and UPR recommendations into funded action plans** with timelines and public reporting. (**High priority**).
- **Strengthen NHRC and state commissions** with resources for investigations, victim support, and public dashboards. (**Medium priority**).

¹² [National Human Rights Commission India & U.S. Department of State](#)

¹³ [National Human Rights Commission India](#)

¹⁴ humanrightsmeasurement.org

¹⁵ [U.S. Department of State](#)

- **Implement police reform directives** (Prakash Singh) with independent oversight, body-worn cameras, and training on rights-based policing. **(Immediate to medium)**.

Indian Constitution change requirements as per Human Rights

Changing the Indian Constitution to expand or align with international human rights standards requires passing a Constitutional Amendment Bill under Article 368. Any modification must also respect the Supreme Court's "Basic Structure Doctrine," which protects core human dignity and democratic principles from being altered.

1. Parliamentary Procedure

- **Initiation:** An amendment bill can be introduced in either House of Parliament (Lok Sabha or Rajya Sabha) by a Minister or a private member.
- **Special Majority:** The bill must be passed by each House with a two-thirds majority of the members present and voting, and this number must constitute an absolute majority of the total membership of that House.
- **State Ratification:** If the amendment affects federal provisions (e.g., representation of states or the judiciary), it must also be ratified by the legislatures of at least half of India's states.
- **Presidential Assent:** After passing both Houses (and state assemblies, where required), the bill goes to the President, who must provide their assent.

2. The Human Rights Framework & Basic Structure

While the Constitution of India already mirrors many universal human rights through *Fundamental Rights* (Articles 14–32) and *Directive Principles of State Policy* (Articles 36–51), any proposed change is legally governed by two strict conditions:

- **The Basic Structure Doctrine:** Established in the landmark 1973 *Kesavananda Bharati* case, this doctrine dictates that Parliament cannot amend the constitution in a way that destroys or alters its core framework. The judiciary generally considers fundamental rights and individual human dignity as part of this unalterable basic structure.
- **Judicial Review:** Any constitutional amendment can be legally challenged before the Supreme Court of India if it is believed to violate human rights or contradict the Basic Structure.

3. International Treaties & Domestic Law

India is a signatory to core international human rights frameworks, such as the Universal Declaration of Human Rights (UDHR). However, international treaties are not automatically binding domestic law. For specific international human rights mandates to take full effect, the Indian Parliament must enact or amend domestic legislation, or pass a constitutional amendment to explicitly incorporate those rights into the Constitution.

6. Complaints & Report

- *NHRC complaints vs. reported custodial deaths (2018–2024)* — line chart showing rising complaint volumes and persistent custodial-death counts.¹⁶
 - *NHRC hearing room, New Delhi; community legal aid clinic assisting survivors; police training on human-rights standards.*
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Conclusion

The Indian Constitution serves as the supreme protector of human rights. By blending enforceable Fundamental Rights and developmental Directive Principles, it guarantees a robust, inclusive democracy. Its unique framework successfully balances individual liberties with societal welfare.

Key takeaways defining this relationship include:

- **International Alignment:** The Constitution's framework incorporates the principles of the Universal Declaration of Human Rights, firmly aligning India with global human rights standards.
- **Judicial Guardianship:** The judiciary serves as the ultimate defender of human dignity. Courts actively expand the scope of rights (such as the Right to Life) and enforce accountability.
- **Evolving Framework:** The constitution is not static. Through proactive public interest litigation and statutory bodies like the National Human Rights Commission (NHRC), India continuously adapts to protect vulnerable populations and address modern human rights challenges.

¹⁶ National Human Rights Commission India & U.S. Department of State