



## **An Analysis of Constitution and Human Rights in India: A Study**

**SRIKANTHA HALAPPA HANDRALA**

*Research Scholar, Department of Political Science, B E S T Innovation University,  
Sri Satya Sai District, Andhra Pradesh, India.*

*(Assistant Professor of Political Science, Government First Grade College Shanthinagara,  
Domlur, Bengaluru, Karnataka, India)*

*Email ID: [2025sppol001@bestiu.edu.in](mailto:2025sppol001@bestiu.edu.in)*

### **Abstract**

Constitution and Human Rights are the two faces of the same coin for a human being to lead a respectful and dignified life in all types of society. In fact, in most countries, the constitution is considered the prime protector and provider of justice in all kinds of violations of human rights. The United Nations Declaration of Human Rights (UDHR) of 1948 mandates all its member countries to provide and safeguard human rights, and they are to be universally protected. The Constitution of India was implemented on 26<sup>th</sup> January 1950 and enshrines the UDHR 1948 declaration in its part, including fundamental rights and made them justiciable by the judiciary. This study argues that awareness and complete understanding of the Constitution of India to avoid violations and to protect human rights in India effectively.

**Keywords:** Constitution, Human Rights, Protection, United Nations, Violations.

### **I. Introduction**

The constitution is a fundamental law of the land; therefore, all other laws are originated under the provisions of the constitution. Most of the nations of the world adopted democratic type of government where their constitution itself safeguards the all rights and interests of the citizens.

Human rights are most essential for all the citizens to lead a dignified and respectful life in any kind of society. Although rights, provides opportunities to develop personality for individuals and through rights only they will live a decent life. Human rights have three generations namely; First Generation Rights – Political and Civil Rights, Second Generation Rights – Social and Economic Rights and Third Generation Rights are Collective Rights.

### **II. Definition of Constitution and Human Rights**

**According to Aristotle,** constitution is the basic arrangement of the offices in a state.



**Gilchrist defined constitution as** - The fundamental rules or regulations, which determine the organization of government and the general principles on which these powers are to be exercised.

**As per UDHR** – Human rights are for the dignity of the human beings.

**According to Laski** – Primary conditions or the necessities for a person in a social life.

### **III. Objectives of the Study**

This study has the following objectives:

- To analyze the present conditions of constitution and human rights in India.
- To analyze the human rights violations across India.
- To analyze the safeguard mechanism to protect the human rights of the Indian citizens.
- To recommend adequate solutions to avoid human rights violations in India.

### **IV. Methodology of The Study**

This study is fundamentally based on secondary data, it has been collected from books, journals, NHRC / SHRC reports, editorials, research articles and various online resources.

### **V. Review of Literature**

K K Ghai, in his work ‘Indian Constitution and Human Rights’ argue that; how constitution of India changed the life of common public in a complex society like India and also, he continued his opinion and discussed the various issues related to human rights and their violations and safeguard mechanism by the constitution.

Another author of India, A K Sen express his views in his work ‘Law of the Indian Constitution of Human rights’ that; The constitution of India, embodied the adequate safeguarding laws to ensure protections to all citizens and their rights and opportunities. He recommended some suggestions through constitutional amendments to avert future violations on human rights in India.

Lastly One of the new generational thinker Rahul Kandharkar, in his famous work ‘Human Rights and Constitution of India’, recommended to insertion of various new emerging human rights such as right to sleep, LGBT community rights, right to acquire qualification, right to reputation, fairness in investigation to constitution of India.

### **VI. Constitution of India and Human Rights**

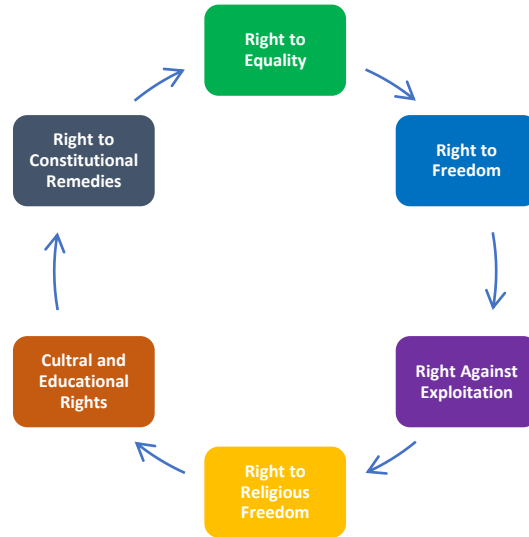
Indian Constitution protects human right’s through;

1. Fundamental Rights - Part III - Articles 12 to 35.

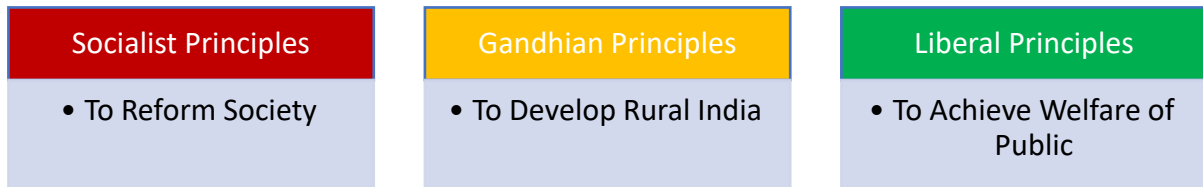


2. DPSP's - Part IV – Articles 36 to 51.
3. Judiciary – Through Judgements and Judicial Review.
4. NHRC and SHRC.
5. International Cooperation with UNO and NGOs.

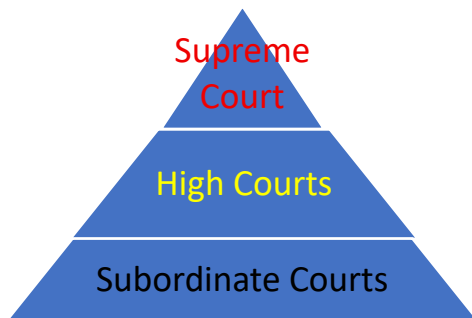
### 1. Fundamental Rights:



### 2. Directive Principles of State Policy:



### 3. Judiciary:



### 4. NHRC and SHRC:

SI. NO	Name of the Commission	Composition	Aims and Objectives
01	National Human Rights Commission (NHRC)	Established under Protection of Human Rights Act – 1993 as	To protect and promote human rights across India



02	State Human Rights Commission (SHRC)	statutory body with autonomy.	To protect and promote human rights across respective state.
----	--------------------------------------	-------------------------------	--

## 5. International Cooperation with UNO and NGOs.

The constitution of India in its part IV under article 51 - Directive Principles of State Policy mandates promotion of international cooperation through peace, mutual coordination and harmonious co-existence. Under article 73 – empower parliament to make laws regarding maintaining of vibrant international relations and the union government can handle international treaties and affairs under provisions of 7<sup>th</sup> schedule. Worldwide, in promoting and safeguarding human rights; India joins helping hands with organs of United Nations like Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Human Rights Council (UNHRC) and active human rights NGO's like – Amnesty International and Human Rights Watch etc.

## VII. Human Rights Violations in India

In India, considering recent years developments international organizations like Amnesty International, Human Rights Watch including organs of United Nations highlighted various issues of human rights violations in India. These are the severe issues of human rights. They are as follows:

- 1. Attack on Minorities:** Hate speech, communal tensions especially targeting to Muslims, Christians, Sikhs are highly witnessed in past 10 years.
- 2. Caste Based Discriminations:** India is considered as complex society with ennumbers of castes, thus resulted in caste-based discriminations directly affected on individual personality development and societal life.
- 3. Sexual Harassments and Violence against Women:** As per report of NCRB – National Crime Records Bureau, 2022- 2023; Total 04 lakh 48 thousand cases of sexual harassment and violence against women were registered during 2022-23. It includes domestic cruelty by husband and relatives – 31.4%, women kidnapping – 19.2%, assault or outrage modesty – 18.7% and it also noticed that there is a increasing cases of sexual harassment at workplaces.
- 4. Child Abuse and Violence:** NCRB report of 2022-23, clearly warns and indicates that, there is a rapid increase of cases related to violence on children during 2023 at about 1,77,335 crime cases registered and in comparison, to NCRB report 2022 (1,62,449 cases) there is increase of 9.2%.
- 5. Issues of Transgenders:** Issues like family acceptance, social cruelty, lack of support and policies to safeguard their interests; transgender facing several severe challenges



and problems in India. They are facing discriminations, exclusion from the society, difficulties in leading a dignified life etc.

- 6. Violence on Tribals:** Being vulnerable sections, the tribals are in great threats, they are facing atrocities, losing their lands and territory and struggling to safeguard their ethnical identity.

### VIII. Recommendations

Here are the recommendations to promote and safeguard the essence of human rights and prevent their violations;

- 1. Should provide Qualitative and Value Education to all citizens** to create a model society and a better nation.
- 2. Strong political will** required to protect and promote human rights.
- 3. Adequate policies and laws** to secure human rights violations in India.
- 4. Strengthening NHRC and SHRC** by providing more power to punish and to take proper actions.
- 5. Must provide awareness** to citizens about human rights and their significance.
- 6. Supreme court and High courts** should consider cases of human rights as a priority under **Judicial Activism** and provide speedy justice to victims through fast-track courts.

### IX. Conclusion

Human rights are very much essentials for the individuals and their personality development. Multi cultured society like India, should focus on to safeguard the human rights and develop a vibrant mechanism to prevent violations on individuals and create a free societal environment to lead a dignified life.

### References

- [1] Rahul Kandharkar (2023) "Human Rights and Constitution of India", Asia Law House.
- [2] Subhash C Kashyap (2019) "Constitution of India", Vitasta Pvt. Ltd.
- [3] K K Ghai (2016) "Indian Constitution and Human Rights", Kalyani Publishers.
- [4] A K Sen (2012) "Law of the Indian Constitution of Human Rights", Pragun Publications.
- [5] <https://ncrb.gov.in>
- [6] <https://nhrc.nic.in>
- [7] <https://www.mha.gov.in>
- [8] <https://kshrc.karnataka.gov.in>