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Implementation of UDHR in Indian Constitution

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Abstract

The Universal Declaration of Human Rights (UDHR) was adopted by the United Nations in 1948, signifying a considerable turning point in the development of global human rights legislation. While the UDHR is not legally binding, the declarations have significantly influenced the legislation of many countries, including India's constitution. The present study focuses on the manifestations of the UDHR in the Indian Constitution, as well as the assimilation of these principles. The study analyses the articulation of the human dignity, liberty, and equality, the framers of the Constitution, and the provisions of the Constitution, primarily the Fundamental Rights and the justiciable/directive provisions of the State Policy. The study analyses the provisions of the UDHR and the Indian Constitution on the right to equality, streams of speech and expression, right to life and personal liberty, and the prohibition of arbitrary discrimination. The study commends Indian courts for their alignment/compliance of the Indian constitution's provisions with the global standards of the UDHR and other international human rights documents. The Indian Judiciary has drawn inspiration from the UDHR and other documents to widen the scope of Fundamental Rights. This paper analyses the hindrances to the achievement of human rights in India such as the socio-economic divides, administrative problems, and the persistent violations of human rights. The paper addresses the human rights situation in India, considering the gaps in the socio-economic divides, the Constitution, the problems of administrative implementation, the UDHR, and the Judicial Activism. Although the Indian Constitution addresses the core aspects of the UDHR, there are yet to be bridged gaps for the effective enforcement of human rights in India.

Keywords: *Universal Declaration of Human Rights (UDHR), Indian Constitution, Fundamental Rights, Directive Principles of State Policy, Human Rights.*

Introduction

All modern constitutional democracies now include some form of basic rights/document detailing fundamental liberties of the individual. This basic rights structure reflects the fundamental aspirations of every human being to be treated with respect, to live in freedom, and to enjoy equality.¹ Following the during the Second World War, there was an urgent need to establish a new universal moral and legal framework to avert a repetition of such tragic events.² The response of the newly, formed United Nations (UN) was the 1948 Universal Declaration of Human Rights (UDHR) with the aim of establishing universal standards for the protection of human rights. This was the first of a series of international instruments protecting specific civil and political, and economic, social, and cultural rights of all human beings, regardless of country, race, religion, or sex. Despite the fact that the UDHR is neither a legally enforceable treaty nor an international law, it is considered to be the most important moral document of the UN and has spawned an immense number of constitutions, legislation, and court decisions in a multitude of states. Having recently gained independence from colonial rule, India's socio-political leadership and consciousness, and understanding of oppression and inequality and denial of basic human rights and freedoms was profound. India was most influenced by the UDHR principles.³ The Indian Constitution was adopted in the same timeframe as the United Nations was developing the UDHR and as such, there was an almost complete alignment between the country's constitution and the principles.

The Assemblies imposing unfair domination and the colonies suggesting despotism without any of the essentials of popular sovereignty would be a mockery of the principles of modern democracy and a travesty of the spirit of the modern democracy. The mockery would be directed against the first and the vital elements of international democracy Assembly s claims of sovereignty would be stripped of all legitimacy. The newly declared right of self-determination would be without democracy and without its basic principles of collective and popular sovereignty and would by anchored in the domination of a few self-appointed international leaders and a despotism masquerading in the ideological garments of a democracy.⁴ The dual character of the international democracy would be a cruel and cynical message that the elements most fundamental to the principle of democracy self-determination and collective sovereignty would be non-existent. In other words, the sanctions would be the ultimate in despotism masquerading in the ideological garments of a democracy. The gap between India's enforcement of its constitution and has been narrowed by the process of judicial interpretation. The International Human Rights Courts

¹ *Universal Declaration of Human Rights*, G.A. Res. 217 A (III), U.N. Doc. A/810 (Dec. 10, 1948).

² *Human Rights* 3–7 (2nd ed., Foundation Press 2009).

³ *Indian Constitutional Law* 87–92 (8th ed., LexisNexis 2018).

⁴ *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241 (India).

and Treaties have been referenced by the Indian Courts, most notably the Supreme Court, when interpreting the Constitution.⁵

The socio-economic disparities of the country's vast population, the high levels of illiteracy, and the poorly functioning bureaucracy make it hard to practice even the most basic of rights.⁶ Even the most basic rights are inaccessible to marginalized groups. With this, it can be seen there is a large gap between the discrimination and system exclusion in marginalized groups, the constitutional ideals, and the harsh socioeconomic realities. Such factors as the social order and the legal and constitutional frameworks in India must be changed before the fundamental principles of the UDHR are practiced. While there may be some people who only look to the Indian Constitution as the only virtue of its legality, Indian legal and social frameworks need to be understood in order to evolve the fundamental principles to be in practice. The effect of the UDHR on the Indian Constitution represents the process of embedding international human rights to a local context and legal system. It depicts the process of localizing universal rights, with an emphasis on the confirming values.⁷ Rights made available to the world are to be available to every human being, and India has restricted nothing in its pursuit of global and universal rights. Integrating the global and the local to achieve the most rights possible is what strongly influences the current Indian Human Rights system.

1. Universal Declaration of Human Rights (UDHR)

The first half of the 20th century was a period defined by brutal human rights violations and the accompanying loss of human dignity.⁸ With the tragic consequences of world war two, it became clear to the global community that human rights could not be protected solely by the domestic laws of individual nations. With this knowledge, the UN was created and Human Rights was developed in a response to the atrocities of WW2. It was adopted by the General Assembly on the 10th of December 1948. It established a benchmark of humanity and dignity that every individual, state and culture must hold. It sought to be a guide to every state, to uphold and safeguard the dignity and rights that belong to every person, indifferent of ideologies, borders, or societies. Challenges to human rights take many forms politically, socially and economically, and the UDHR sought to recognize all of them. One of its key historical achievements was that it broke the false correlation between social and political freedoms and the dignity of a human being. The declaration, presenting rights such as legal equality, non-discrimination, freedom of thought and expression, as well as free, fair, and equal the Integrated Vision of Human Rights.⁹ This Integrative Vision became a component of foundational frameworks of constitutional

⁵ International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171.

⁶ *Development as Freedom* 38–45 (Oxford Univ. Press 1999).

⁷ *Judicial Activism in India* 94–101 (Oxford Univ. Press 2002).

⁸ *Governing the World: The History of an Idea* 181–189 (Penguin Books 2012).

⁹ *Universal Human Rights in Theory and Practice* 21–27 (3d ed., Cornell Univ. Press 2013).

democracies, including India, where the centrality of the individual and social justice constitutes a balanced philosophy of the Constitution.

The impact of the declaration, despite the absence of binding legal authority, is evidence of influence beyond its descriptive attributes. Over the years, the declaration, in its many aspects, has inspired a plethora of international agreements and conventions. The declaration has also been referred to, often, and in various international and domestic legal contexts, as a means of defining the extents of an instrument of rights. The newly independent country of India, after years of colonial subjugation, had an internationally recognized instrument, as documented in the Declaration, to confirm its aspirations for justice, equality, and freedom. The country's quest for independence was parallel to the quest for civil liberties, social justice, and dignity for all, making the were incorporated in the declaration the ideals of the country.¹⁰

Philosophical and normative parallels are what makes the UDHR relevant to the Indian Constitution. Indian leaders drafting the Constitution exemplified knowledge of current global human right issues, and during the process, drew from various international treaties, and democratic constitutions. India's rejection of the arbitrary power of discrimination and the UDHR's power of discrimination and exploitation speaks to India's Constitutional commitment to the establishment of a just and legal order of society. The shaping of the understanding of rights as universal and indivisible by the UDHR influenced India's own Constitutional interpretation. The UDHR did not prioritize over, but viewed them as morally equivalent.

2. Implementation of UDHR in the Indian Constitution

When India adopted its constitution in 1950, the world was witnessing a burgeoning human rights movement, but the principles of the UDHR had already begun to influence the world's legal and moral systems.¹¹ The Indian Constitution's drafters, having suffered the injustices of colonial rule and faced social inequities, built a settlement to the legal and political order to protect the individual's dignity and social order to transform society. Hence, the values, principles, and vision of the constitution of the then colonized India and the UDHR had a natural consonance. The Constitution of India reflects the U.D.H.R. most fundamentally through the Constitution's assurance of the fundamental right. Constitution's provisions towards civil and political liberties resemble the provisions of the U.D.H.R. A Constitution of India small gives the citizens the rights: to be equally and legally protected, to freely speak and express, to religiously practice, and to be protected against loss of life and liberty. These all constitute the U.D.H.R. provisions of individual autonomy and human dignity. These rights are certainly framed in Indian socio-cultural contexts and are

¹⁰ *The Future of Human Rights* 54–60 (Oxford Univ. Press 2002).

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

in themselves are subject to reasonable restrictions, but their content is in harmony with the most universal of the international human rights.¹²

Through Economic Objectives of the are woven into the fabric of the Indian Constitution. These principles, despite their non-justiciability status, establish a moral and political duty for the state to pursue social and economic justice. There are, in their provisions, education, public health, sufficient livelihood, and the economically weaker sections of society, the statement that social and economic security are essential to a positive sense of freedom.¹³ This means not less than civil and political rights, and the state is obliged to take steps to remedy the inequities of a social and economic nature. When it comes to the Indian Constitution, the most significant factor in the realization of the UDHR has been, arguably, the Indian Judiciary's tendency to adopt a liberal and broad approach when it comes to the Fundamental Rights. For the most part, Indian Courts have been, and continue to be, the most active when it comes to the Fundamental Rights framework. The Indian Judiciary has always adopted the position that constitutional protection of the great Indian charter is for securing the dignity of the individual and the justice for the oppressed. This has been the means used to bring the Indian Constitution closer to the aims. The constitution of a country is regarded as a living document, able to respond to and address contemporary challenges, particularly in the area rights.¹⁴ For example, several times, courts have referred to international norms and treaties to support the provisions of the constitution relating to personal liberty, justice for women, the environment, and the protection of marginalized groups. Such creative constitution-making has encouraged the use of the respond to human rights challenges.

¹² *The Future of Human Rights* 61–67 (Oxford Univ. Press 2002).

¹³ *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625 (India).

¹⁴ *Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161 (India).

3. Judicial Interpretation and Role of the Indian Judiciary

In an organic way, the India Courts have incorporated UDHR principles into the increasingly nuanced contours of the Indian Constitution. The US Constitution, of course, does not directly reference the UDHR; however the courts have relied upon such a modern human rights framework psychosomatically. The courts have interpreted the Constitution's provisions concerning India's treaty obligations subject to fancying by them. From the very beginning of constitutional adjudication, courts acknowledged that the constitution had to have an open texture as capable of including new social realities and a sense of justice, being supple, flexible and evolving. This tactic has liberated the Indian courts from the fetters of the Constitution so that they can transcend it and adopt UDHR as a model to advance human rights and interpret provisions of Constitution in light with higher ideas like human dignity, equality and freedom.¹⁵

The courts have clearly progressed above the level of a constitution narrowly considered in literalist terms to embrace an approach of constitutional interpretation under principles of human rights impregnated with purpose. The right to life has, indeed been read to include the right to a dignified living that is universally available and acknowledged. A few rights have been read into it by the judiciary and in these are included right to livelihood, right to work and privacy or even a home and a pollution-free environment.¹⁶ In doing so, the judiciary has translated a number of international human rights law principles into constitutionally actionable rights. The doctrine used by the Courts to advance and safeguard equality right as well as non-discrimination right not only in form but also in substance. These cases have evolved the rights of women, children and other less powerful (and less visible) actors through reading the Constitution to embrace international human right law as part of its meaning which has been discerned by courts as encompassing human rights applicable to all individuals consistent with PA principles found in the UDHR. These things have indeed been the bedrock human rights law and they declare, the inherent and equal dignity y and establish that every member in essence is equal in worth.¹⁷

The advent of Public Interest Litigation and what it has done to the enforcement of the principles enunciated is one of the most epoch-making developments in India. The poor, the underprivileged elements of society have found redress in the Constitution with these procedural shackles struck off. It is through this mechanism courts have addressed bonded labour, custodial violence, prison administration, the environment and the minimum that is denied. These are examples of a judicious use of interpretative power to meet human rights concerns have failed to act and effectively operationalize the goals of the UDHR in conferring protection over all rights universally and effectively. The last decades the Courts have been focusing on the importance of principles situated in the International Human

¹⁵ *Indian Constitutional Law* 134–141 (8th ed., LexisNexis 2018).

¹⁶ *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545 (India).

¹⁷ *Judicial Activism in India* 122–130 (Oxford Univ. Press 2002).

Rights instruments to inspire constitutional interpretation. In some judgment, the Indian judiciary had said that it must read its own laws in sync with international law so long as it does not run counter to the constitution. It was within those limits that the judiciary embraced the UDHR as an instrument to fill gaps in the Constitution and broaden the frontiers of human rights protection. On this, the Supreme Court of India became extremely instrumental where it was held that values of the Constitution must be interpreted in accordance with International Human Rights. The Indian Judiciary is leading on its own, that the aims of UDHR should not remain as empty words but translate into reality and reach the lives of people instead.¹⁸ By expanding the meaning of rights, by affirming the responsibility of state and not allowing it to get away with a breach/disregard of rights, and upholding human beings (and not state) as trinity around which Constitution whirls; they were acting as trustees of Constitutional Morality. The magnitude of this Judicial Activism has taken possess as regards the perimeter of the Constitution and it really created a system to be one of rights, a judiciary that has been lights and had to reflect on in Delhi so far.¹⁹

4. Effective Implementation Of UDHR in India

In India, the successful application of the Universal Declaration of Human Rights (UDHR) is closely connected with the country's constitution, democratic institutions. The fundamental principles of the UDHR, although not legally enforceable, have been incorporated through the India's constitution, laws, judicial decisions, and administrative actions.²⁰ The Indian Constitution provides the most solid foundation for, as such, the most of the implementation of the UDHR is in the extent to which these constitutional principles have been articulated into governance and the experiences of the people. One of the most important factors in implementation of the UDHR stems from an interplay of the Constitution and the laws enacted. India has, through the years, enacted law after law which has sought to protect the social justice to the constituents of the country in the spirit of the principle of equal, the dignified, and the non-discriminating, as emphasized in the UDHR. Such laws in the areas of social protection, labor, protection of the vulnerable solidify and operationalize the un-yielding and resolute commitment to Human Rights. These laws seek to erase the disparity between the social and the constitutional to lay focus on the reality that rights must not remain an abstract, unobtainable treasure, but must be in the hands of the people, through the unyielding commitment to Justice.²¹ The commitment to improve the operational law and resource to implement the operational laws dedicated to Justice ensures to implement the laws dedicated to Justice ensures to implement the laws dedicated to Justice.

¹⁸ *The Constitution of India* art. 51(c).

¹⁹ *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 (India).

²⁰ *The Constitution of India* pmb.; arts. 14–21, 38–39.

²¹ *The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act*, 1989 (India).

These bodies serve the human rights ecosystem as advocates, monitors, and investigators. Even though their powers are mostly recommendatory, their presence demonstrates to the world that India is working to align domestic governance with universal standards of human rights and is fostering a culture of accountability and rights awareness.²² Until now, Courts have consistently protected fundamental rights when the other two branches of governance have failed to act. Proactive adjudication, as well as the use of constitutional remedies, have allowed the Courts to address a plethora of human rights issues, such as unlawful detention, custodial abuse, environmental degradation, and the denial of basic services. The movement mobilization on the ground in the areas of social justice, gender equity, and the rights of the disenfranchised in the advocacy of the above has crystallized the concepts of human rights into action. This dimension of citizenship engagement also deepens democracy and keeps the conversation on human rights fresh and relevant to the people.

The inclusive implementation of the UDHR in India has faced challenges of all sorts; the issues at hand pose the greatest obstacles in the implementation of all the components of the UDHR in India.²³ Socio economic inequality, administrative, and a lack of assurance of the enforcement of the law, makes it difficult for a citizen to enjoy the full spectrum of rights to which they are entitled. With the sheer scale of poverty, discrimination and other social issues, it makes the nation highly complex, makes it extremely difficult to address the gap between the basic rights and their enforcement. The realization of the most basic rights and their basic enforcement takes an unsustainable amount of political will and may even require the intervention of foreign powers. The constitutional framework India has in place may even require the intervention of the governing powers to implement the UDHR. It cannot even be said that there are sufficient constitutional tools in place to even begin the implementation of as set forth in the UDHR. India has the required constitutional framework. Implementing this framework to achieve the required UDHR will be one of the greatest challenges that India will face.²⁴

5. Human Rights Violations and Existing Loopholes

While India retains certain constitutional guarantees that incorporate elements of the Universal Declaration of Human Rights (UDHR), the country continues to grapple with the protection and promotion of fundamental occur within the social, economic, and political realms of the country, demonstrating the gap between daily lives. These violations result not only from the absence of policies, but from poorly implemented policies, a lack of social and political will, and social inequities.²⁵ Well-articulated and broad-based constitutional guarantees are not effective in the absence of responsive policies with

²² *The Protection of Human Rights Act*, 1993 (India).

²³ *Universal Declaration of Human Rights*, G.A. Res. 217 A (III), U.N. Doc. A/810 (Dec. 10, 1948).

²⁴ *The Constitution of India* pmb.; pts. III & IV.

²⁵ *Joginder Kumar v. State of Uttar Pradesh*, (1994) 4 SCC 260 (India).

effective and accountable governance. Failure to protect the basic civil rights of individuals against custodial abuse, unreasonable detentions, and the abuse of the laws of preventive detention is a glaring mark against the country.

Though the Indian Constitution articulates the vision of social and economic justice through welfare schemes and policy directives, there are... disparities due to uneven execution and a lack of resources. Policy execution and oversight gaps are evident from the fact that rural dwellers, workers in the urban informal economy, and the poor and marginalized, are often excluded from the benefits of development. The Constitution mandates gender discrimination and violence. Though there are a legal protections and a progressive judicial approach, women are still subject to subordination, domestic violence, and discrimination in the workplace and in the legal system.²⁶ The social, cultural, and legal system's patriarchal structures and poor enforcement of laws give way to violence and support the discrimination against women. The persistent social inequities are a sign of the country's social and institutional support deficiencies. The application of standards concerning basic human rights continues to be hampered due to more administrative gaps and procedures that slow more efficient implementation. Delays in systems of justice, lack of legal assistance, and complicated procedures demotivate victims. Although human rights systems are important, in practice, depending or being influenced by the executive, facing power and resource constraints, and having weak systems of accountability is not a practice that responds to the expectations that society has of being an effective protector. This is the society lacking faith in institutional accountability systems. Another issue that is often more significant is the implementation or lack of implementation of basic human rights across certain regions and specific social categories. Other priority areas such as development and the economy, or national security, and politics favor the selective implementation of human rights.²⁷

6. India's Performance in Global Human Rights Index

India's performance in those global indices which measure human rights, broadly speaking, can be used to evaluate the extent to which has been implemented in practice, independent of what its text and jurisprudential interest indicate. They are global rankings compiled by international organizations, think tanks or human rights organizations that seek to assess limitations on certain rights within various countries around the world. In other words, such assessments are absurd attempts to capture the irony of difference between the legal and operative character of democracy in a country like India, with its rich and numerous constitutional history enunciating values. The global human rights indices generally praise India in upholding the social contract. The combination of an independent judiciary, frequent elections, judicial review and a proactive citizenry elevate India to a position of prominence among constitutional democracies. These characteristics are in fact a mirror of

²⁶ *Universal Declaration of Human Rights*, G.A. Res. 217 A (III), U.N. Doc. A/810 (Dec. 10, 1948).

²⁷ *Manubhai Ratilal Patel v. State of Gujarat*, (2013) 1 SCC 314 (India).

what the UDHR envisioned vis-à-vis political and civil rights, equality before law, and the responsibility of state as well as its organs. India's involvement in advocacy and its adherence to the UN system shows India's understanding of the basic human rights even beyond borders. However, India's record in a number of global human rights benchmarks continues to reveal its failure over civil liberties, freedom of expression basic socio-economic equality.²⁸

Reports cite obstacles like the stifling of dissent, abuse of the security apparatus, long periods of pre-trial confinement, and the subjugation of media. These reports imply that while the constitution offers certain safeguards, there are still gaps in their implementation, leading to a lack of confidence in the actual impacts of the UDHR in day-to-day administration. Such observations are not devoid of merit in reference to India's constitution; rather, they identify the deficits resulting from a mere formalist approach towards institutional design without corresponding material outcomes. Socio-economic factors also delineate India's resources and capabilities regarding the global human rights ranking. Enduring poverty, inequitable distribution of health care and education, lack of employment, and the disparity among regions obstruct the attainment of the UDHR's commitments to economic and social rights. India has succeeded in some areas such as literacy, public health, and poverty alleviation, but the sustained impacts of inequitable benefit distribution continue to determine external perception of the country.²⁹ Economic growth per se, without a comprehensive growth strategy that enshrines dignity and rights of all people, has been among the most frequent observations in human rights ranking.

Global assessments have shown that position and of marginalized and vulnerable groups that reaffirm position, and of marginalized and vulnerable groups that reaffirms position, and of marginalized and vulnerable groups More of these position reviews show position and of marginalized and vulnerable groups that reaffirms position, and of marginalized and vulnerable groups More of these position reviews show reviews of position and of position, and of position, and of position reviews of position and of position, and of position, and of position reviews of position and of position, and of position, and of position reviews of position and of position, and of position reviews of position and . These reviews have shown that social acceptance is a huge void in the pair of judicial enforcement that is derived from social and administrative complexity, political enforcement, and the pair of judicial enforcement that lies within. These reviews remain a matter of great constitutional and judicial complexity which draws from the pool of global human rights. These reviews withstand place of a strong constitutional and judicial position that has its origins in notwithstanding the social complexity manage the spirit of universal human rights. These judgements stand as a wall of strong constitutional and human jurisprudence that takes position from the ethos of universal human rights. Such

²⁸ *Indian Constitutional Law* 181–190 (8th ed., LexisNexis 2018).

²⁹ *The Constitution of India* arts. 19–22.

reviews stand in the presence of an august constitutional and judicial complexity resting on , a social complexity administer the spirit of universal human rights. These reviews suffer from the peculiarly legal and judicial complexity which has a grounding emanating in the very concept of universal human rights, but social Judicial test convicts administer the relief according to the requirements of spirit of universal human rights.³⁰ The constitutionality of these reviews remains in relation to the strength both constitutional and judicial aspect that takes its strength from and on socially complexity le esprit des droits de home. International human rights indicators have continued to reveal that these evaluations continue occupy from of a constitutional and judicial complexity strong electoral the position spirit of universal human rights, or social complexity administered with position for the India's presence in international human rights indices showed that these letters to Pakistan will remain a mere position of strong constitutional and judicial intricacy which takes its position from universal human rights. Global standards of human rights have showed that such evaluation sustains itself (the prejudices) from the most solid constitutional and jurisprudential position determined and social complexity admin is traversal conception of human rights. These general assessments of the council to maintain solid constitutional and judicial experience based leading international human rights and the social premises under which they administer lea ditchers complex through a structure inherent in the field of universal.³¹

7. Conclusion

Ratified Iranian views towards the Universal Declaration on Human Rights 3177 Introduction How far has India implemented in its Constitution, the principles of UDHR? Before we discuss this issue, we let us have a glance at some principles lay down in Universal Decla-ration and their importance. The framers of the Indian Constitution neither referred to UDHR while drafting the instrument nor made it a part of Indian laws, but they were aware of the values enshrined in the UDHR while framing our Constitution. The framers of the Constitution thought strategically from the colonial, unequal, and unfree state in which the country found itself. The framers' alignment of the existing global human rights norms with their national context is also visible in the construction and organization of the Constitution, particularly in its pro-human rights provisions. Provisions of the Constitution that serve to ensure basic rights of individuals These provisions, while serving to ensure the fundamental rights of people, also seek to secure justice, equality and the values of a society which is socially and politically transformed as well as economically developed. This guarantee of political, civil and social-economic rights demonstrates the UDHR's philosophy, which shows a balance between individualistic rights and collective rights. Articles in the Indian Constitution on civil rights and socio-economic rights mirror

³⁰ *Universal Human Rights in Theory and Practice* 95–103 (3d ed., Cornell Univ. Press 2013).

³¹ *Universal Declaration of Human Rights*, G.A. Res. 217 A (III), U.N. Doc. A/810 (Dec. 10, 1948).

the Indian framers' path of accommodating social, cultural and economic variety while respecting both individual and collective instrumentalities entailed by these rights.

As a result, the Constitution must not be seen simply as a legal document but as an aspirational text crafted to change America for the better—to make it more accepting of human rights. The judiciary has played a pivotal role in originating relevance of the UDHR and contributing to keep up its sway in India. By a process of so-called \progressive judicial activism\, the courts have extended Coverage under the Constitution and its fundamental rights to encompass new sets of Human rights issues. In the use of dignity, fairness, reasonableness and similar words with provisions of the Constitution, judiciary has kept adding brevity to Constitution by providing flexibility to withstand change and progress in a society. It has also made the basic rights laid down in the Constitution comply with international human rights norms and has preserved the UDHR's relevance in jurisprudence".

India's encounter with the constitutional ideals also demonstrates the challenges of converting such ideals into the lived experiences of people. The absence of human rights, vast socio-economic inequalities, and the insufficient state apparatus and its unequal application point to the fact that mere constitutional aspirations are not enough. The absence of human rights and socio-economic guarantees illustrates the need to have more effective and responsive state apparatus, as well as an active civil society. From this, the principles of the UDHR are best seen as always being in the process of being operationalized in the Indian context and not as being achieved. India's and the UN's other member states' global participation and the critique of India's human rights record are important in that they recognize human rights as universal. Although they point to gaps, global critiques are important for self-reflection as they show is not in the ideal constitutional provisions or the judicial decisions, but in the reality of people's daily lives.

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