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THE VISION OF HUMAN RIGHTS: THE UDHR AND ITS MEANING IN INDIA IN THE 21ST CENTURY

AUTHORED BY - JHANAK KARWANYUN

2nd Year, BBA LLB (H),

Amity Law School, Amity University

CO-AUTHOR - DR. ARVIND KUMAR SINGH

Amity University

Abstract

The United Nations (UN) Universal Declaration of Human Rights (UDHR), adopted by the General Assembly of the UN, has represented a historically significant achievement to the extent that it has for the first time articulated a universal vision for human dignity beyond national boundaries and cultural diversity. This article discusses this universal vision articulated in the UDHR as reflected by the principles of universality, indivisibility and placing obligations on states to provide positive action with respect to human rights, and attempts to show how these principles have substantially influenced the Indian Constitution-making process. This analysis investigates the relationship between the United Nations Universal Declaration of Human Rights (UDHR), Indian Constitution Part III: Fundamental Rights and Part IV: Directive Principles of State Policy. It provides insight into how delegates, particularly Hansa Mehta influenced the development of global human rights norms. As we continue into the 21st century, new challenges, such as digital privacy, data protection, and environmental rights, threaten our understanding of fundamental human rights. This article specifically references Justice K.S. Puttaswamy's landmark 2017 ruling that constitutionalized the right to privacy and expanded the impact of the Universal Declaration of Human Rights (UDHR) on expanding rights for marginalized groups, including the transgender community via NALSA. Although many strides have been made toward achieving full rights for everyone, gaps continue to exist because of socio-economic inequality, administrative obstacles, etc. In closing, the article reminds us that the Universal Declaration of Human Rights (UDHR) continues to be relevant in providing guidance on the issues faced today in our ever-changing digital and global environment and that we need to recommit ourselves as a society to realize the full potential of dignity for all human beings found in the UDHR.

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Introduction

Officially adopted by the UN General Assembly on December 10, 1948, the Universal Declaration of Human Rights (UDHR) constituted an overdue and significant reorganization of the existing set of international laws governing states. Following World War II, the objectives of the UDHR were to define a common standard of achievement for all peoples and all nations based on the inherent dignity of every human being.¹ As such, the objectives of the declaration have continued to evolve, thus allowing for its use as an ongoing living instrument, which creates the foundation upon which countries across the globe have developed and adopted their own constitutions and judicial reasoning. Far from being a static historical artifact, the UDHR has evolved into a living document that continues to inspire constitutional frameworks and judicial reasoning across the globe.² Its inception reflected a global consensus that the protection of human rights was no longer a matter solely within the domestic jurisdiction of states but a collective responsibility of the international community.³

The timing of UDHR's drafting played an important role in the context of India because it was being discussed at the time the Indian Constituent Assembly was drafting the constitution. The principles embodied in the UDHR were reflective of the many aspirations of a newly independent nation working to eradicate the centuries of oppression by colonial powers and create equality where there had previously been a hierarchical society, a newly independent nation seeking to dismantle centuries of colonial oppression and social stratification.⁴ The values that UDHR emphasizes with respect to non-discrimination and equality created a normative basis for the Indian Constitution's dual commitment to individual liberties and social justice.⁵ In addition, as India continues into the 21st century and is exposed to both technological advancements and environmental catastrophes as well as continuing to deal with social/economic inequalities among its population, the UDHR provides a vision of how to achieve substantive dignity for each individual that is just as relevant now as it was at the time of its adoption. It serves as both a benchmark for progress and a tool for rights expansion in the hands of the judiciary and civil society.⁶

¹ UN General Assembly, Universal Declaration of Human Rights (1948).

² Sandra Fredman, *Human Rights Transformed: Positive Rights and Positive Duties* (Oxford University Press 2008).

³ P Kant, 'Human Rights under the Indian Constitution: A Comprehensive Legal Analysis' (2024) SSRN.

⁴ V Karpagavalli, 'Indian constitution and human rights: an overview' (Paper in corpus).

⁵ D Mirza, 'Need Based Human Rights in the Constitution of India: An Analytical Study' (Paper in corpus).

⁶ Praggya Surana, 'The expansion of constitutional protections through international law' (2024) (Article in corpus).

The Transformative Nature of the Universal Declaration of Human Rights **(UDHR)**

"The Universal Declaration of Human Rights' (UDHR) transformative power is derived from its movement away from a narrow understanding of 'negative freedoms', or rights that only require a State to abstain from interference with its people, to a more holistic framework of human dignity.⁷ This vision is supported by a number of fundamental principles: universality, indivisibility and positive State obligations."

How it is Universally Applied & the Idea of Every Person Being of Worth

As said in The Universal Declaration of Human Rights (UDHR), human rights apply to everyone equally, no matter how different they may be from you. Not just that, but this universality is about more than just saying everyone has these rights; it also means that you deserve to have the basic material things needed for a dignified life.⁸ By basing the foundation of rights on the inherent dignity of the individual, the UDHR develops human rights discourse beyond legal positivism toward a normative framework that prioritizes human flourishing over state sovereignty.⁹

The Idea That All Rights Do Not Stand Alone

An important concept behind the Universal Declaration of Human Rights is that civil and political rights and socioeconomic rights are indivisible and interdependent. Often during the Cold War, these two groups of rights were seen as being in opposition to one another; however, the UDHR treats them as mutually reinforcing.¹⁰ For example, without adequate education, health care or food, the exercise of civil/political rights such as the freedom of expression or the right to vote may be seriously compromised. This indivisibility reflects the understanding that true liberty cannot exist without social security and economic opportunity.¹¹

How There are 'Positive' Responsibilities for the State

In addition to, states also have a responsibility to protect and promote people's human rights.¹² To help accomplish this transformation, democracies will need to evolve from being

⁷ Fredman (n 2).

⁸ *ibid.*

⁹ Kant (n 3).

¹⁰ Fredman (n 2).

¹¹ *ibid.*

¹² *ibid.*

passively involved with democracy to being active participants in ensuring that we do not only have rights on paper but actually have access to those rights in practice.¹³ In addition to establishing necessary institutional frameworks—such as healthcare, public education, and social welfare programs—developing innovative judicial doctrines to enforce these entitlements.¹⁴ The shift to positive duties also recognizes that the fulfilment of human dignity will, in many instances, require the state to take affirmative action and to distribute resources equitably across society.¹⁵

Relationship between the UDHR and the Indian Constitution

The Indian Constitution has been influenced by the Universal Declaration of Human Rights (UDHR) in both textual and structural ways. The members of the Indian Constituent Assembly, who were largely inspired by and had access to the developing international human rights discourse, incorporated into the Constitution the principles expressed in the UDHR.¹⁶

Referencing between the UDHR and Part III and Part IV of the Indian Constitution

The Constitution incorporates the principle of indivisibility of rights expressed in the UDHR by establishing separate chapters for Part III (Fundamental Rights) and Part IV (Directive Principles of State Policy). Part III contains justiciable civil and political rights such as Article 14 (Right to Equality), Article 19 (Right to Freedom of Speech), and Article 21 (Right to Life and Personal Liberty) that correspond to UDHR articles 1, 7, 19 and 3.¹⁷

Part IV does not have direct legal recourse, however, Part IV encompasses certain "Directive Principles of State Policy"; these represent India's ideal economic and social conditions as listed in the "Universal Declaration of Human Rights". Examples include securing a social order for promoting welfare through State (Article 38), to have the right to work and receive education (Article 41), and to have just and humane conditions for working (Article 42).¹⁸ The Indian Supreme Court has, over a period of time, connected with these two sections; the Supreme Court declared that Section III and Section IV work together like "two wheels of a chariot", both equally important for establishing human rights.¹⁹

¹³ *ibid.*

¹⁴ *ibid.*

¹⁵ *ibid.*

¹⁶ V Karpagavalli, 'Indian constitution and human rights: an overview' (Paper in corpus).

¹⁷ Kant (n 3).

¹⁸ *ibid.*

¹⁹ *Minerva Mills Ltd v Union of India AIR 1980 SC 1789*

The Role of Indian Delegates: Hansa Mehta

In addition to its passive involvement in shaping the UDHR, India exported many of its delegates' experiences into its drafting process and had a measurable impact on how long the document ended up being as a result of their contributions. An example of an extremely influential feminist and a social reformist in history, Hansa Mehta, a staunch feminist and social reformer, is credited with a historic intervention that fundamentally changed the declaration's character,²⁰ who had an influential rewrite of the document by changing "All men are created free and equal" to "All human beings have been created free and equal" in Article 1 of the UDHR.²¹ . Not only did this change express support for women's equality, but it also illustrated India's position on equality of sex/genders and equality across all peoples. Additionally, delegates from India such as Lakshmi Menon and M.R. Masani participated in debates on issues including religious freedom and social rights, thus providing representation from the Global South during the drafting of the UDHR via their participation in these negotiations.²²

Ambedkarian View

Dr. B.R. Ambedkar's vision of "social democracy" greatly influenced the constitutional incorporation of human rights into India and its foundations. Ambedkar contended that political democracy would constitute a "top-dressing" being placed on top of undemocratic soil in India, which was primarily due to the caste system being in place.²³ He further asserted that, in order for constitutional remedies to be implemented (Article 32) and the rights of the "last person" (the socially excluded) to be pursued, human rights must be organized in such a manner that they meet the objectives of the Universal Declaration of Human Rights (UDHR) as they relate to ensuring that dignity is being given to those who are in the most vulnerable situations in all instances.²⁴ The Ambedkarian perspective ensures that human rights in India are viewed through the lens of social transformation and the dismantling of systemic inequality.²⁵

21st Century Relevance for India

In the contemporary era, the UDHR continues to serve as a vital normative framework for addressing both traditional and emergent rights claims in India.

²⁰ Robin Ramcharan and Bertrand Ramcharan, *Asia and the Drafting of the Universal Declaration of Human Rights* (Palgrave Macmillan 2024).

²¹ *ibid*

²² *ibid*

²³ B Kaur et al., 'Human Rights: An Ambedkarian Perspective' (2024) SSRN

²⁴ *ibid*

²⁵ *ibid*

Civil and Political Rights

The core civil liberties of the 21st century have renewed focus and examination based upon the principles set out in the Universal Declaration of Human Rights (UDHR). In the digital age, freedom of speech and expression continues to be one of the most debated subjects and is often a subject within the purview of the Court as well. As an example, Supreme Court has repeatedly referred to international standards in protecting speech from arbitrary state interference, stating "freedom of expression on the internet" is a basic human right.²⁶

Socio-Economic Rights

There has been further implementation of socio-economic commitments set forth in the UDHR through both legislative enactment and judicial interpretation. A major cornerstone of this commitment is the Right to Education (RTE), which was enacted through legislation in 2009. The Supreme Court's ruling in the Unni Krishnan case (1993), where the right to education was held to be included in the right to life under Article 21 of the Constitution and is also referenced in Article 26 of the UDHR²⁷, paved the way for the enactment of the 86th Amendment, which added Article 21A, providing for free and compulsory education for all children 6–14 years of age, as a fundamental right.²⁸ There have also been similar developments in the right to food and the right to health, and the courts have increasingly recognized these rights as integral to living a dignified life.²⁹

Modern Problems Regarding Digital and Environmental Rights

UDHR-derived norms have recently found their biggest use in digital rights. The Supreme Court's historic ruling in Justice K.S. Puttaswamy (Retd) v Union of India (2017) supports this conclusion.³⁰ The Supreme Court of India ruled unanimously that privacy is a fundamental right under the Constitution of India. The Court relied heavily on international human rights instruments for this judgement, particularly Article 12 of the UDHR, which prohibits arbitrary interference with privacy.³¹ The judgement created a foundation for the ongoing debate about data protection, government monitoring, and the "right to be forgotten" in the digital world.³²

²⁶ S Fanon, 'Democracy In The Dark: Internet Shutdowns In India As A Challenge to Freedom of Speech and Expression' (2024) 6(1) International Journal For Multidisciplinary Research.

²⁷ Sudesh Kumar, 'Right to education as a human rights - constitutional and legal outlook' (2024) 5(3) ShodhKosh Journal of Visual and Performing Arts.

²⁸ Ibid.

²⁹ Fredman (n 2).

³⁰ Justice K S Puttaswamy (Retd) v Union of India and Ors (2017) 10 SCC 1.

³¹ R Shankar, 'The Right to Privacy in India and UN Human Rights Instruments' (Paper in corpus).

³² Pranav Ramakrishnan, 'Preserving the right to privacy in the digital era: A modern-day analysis through the lens of international human rights' (2024) SSRN.

While no explicit "right to a healthy environment" exists in the UDHR, both the right to life and the right to health contained within the UDHR have been used in Indian courts to expand the scope of environmental protection. The Indian judiciary has increasingly employed Public Interest Litigation (PIL) to frame environmental degradation as a violation of the fundamental right to life, based on the principles of international human rights law.³³ However, the sources note that explicit, direct evidence linking UDHR to environmental rights in recent Indian jurisprudence remains limited compared to the privacy and digital domains.³⁴

Inclusivity of Marginalised Groups

The UDHR has inspired the movement for the rights of marginalized persons by establishing a vision of universal dignity. One of many examples is the decision of the Supreme Court in *NALSA v Union of India* (2014) where the Court held that transgender persons have rights to their gender identity as a part of their dignity and autonomy³⁵ with the Court's reliance on the ideals of equality and non-discrimination as found in the UDHR foundational to its holding. The *NALSA* decision resulted in the creation of the Transgender Persons (Protection of Rights) Act, 2019 that has been subject to considerable criticism, but represents an important step towards legal recognition and inclusivity for transgender persons.³⁶

Gaps and Implementation Challenges

While India has a strong constitutional framework and robust rule of law in place, there remain very large gaps in the delivery of human rights in India. These gaps stem from long-standing social, economic and administrative issues.

Inequality and Social Exclusion

Long-established inequalities of caste/class/sex prevent the general population from accessing and using human rights.³⁷ Some groups suffer from what is described as "social exclusion," such as the trans-gendered and non-organized workers, making the constitutional rights, for these and other groups, simply amounts to a wish-list and constitutional promises remain

³³ Praggya Surana, 'The expansion of constitutional protections through international law' (2024) (Article in corpus).

³⁴ 'Modern Gaps and Challenges' in [udhr_india_digital_env_insights.md](#).

³⁵ 'Exploring Vedic Traditions and Law: Creating a Holistic Education System for Transgender Inclusivity in India' (2024) 6(4) IJFMR.

³⁶ Ibid.

³⁷ Vidya Nadkarni et al., 'Transforming Social Work Education in India: Integrating Human Rights' (2016) 1(2) Journal of Human Rights and Social Work.

aspirational.³⁸ A good example is the right to social security for unorganized workers that is denied to the majority due to the lack of knowledge and inadequate support for registering these workers and distributing the benefits.³⁹

Administrative Barriers and Lack of Resources

In order for the state to realize its positive duties—such as providing quality healthcare services and educational opportunities—it must have the financial resources needed and efficient institutional capacity⁴⁰ along with skilled administrative staff to utilize those resources efficiently. Where there are administrative barriers, bureaucratic lethargy, and a lack of political will to fulfill their responsibilities, there is often a failure between legislative intent and ground-level reality.⁴¹ Reproductive rights legislation is at the forefront of such issues, as the socio-economic barriers, including extreme poverty, illiteracy, and patriarchal structures, have continued to limit many women's ability to effectively exercise their autonomy.⁴²

Digital Divide

The Puttaswamy decision established a right to privacy, however, "Digital Divide" is now inhibiting access to the implementation of rights worldwide. Internet shutdowns and unequal access to digital infrastructure may leave a new class of marginalized people without access to the digital public square.⁴³ State surveillance continues to rise, and there are no comprehensive laws governing data protection in the 21st century, which presents challenges to protecting a citizen's right to privacy.⁴⁴

Conclusion

India's Constitution was inspired by the Universal Declaration of Human Rights (UDHR) – the charter of all human rights across the globe and a fundamental source of transformation in the world to create an egalitarian society. The emphasis on the indivisibility of rights and the substantive dignity of all human beings has helped expand standards of justice in Indian courts and policy-making by providing them with the means to structurally overcome the injustice

³⁸ *ibid.*

³⁹ R Sapatnekar, 'A Comparative Study of Universal Declaration of Human Rights and The Constitution of India in View of Providing Social Security Rights to Unorganized Sector' (2015).

⁴⁰ Fredman (n 2).

⁴¹ Vidya Nadkarni (n 37).

⁴² V V Dholam, 'Reproductive Rights in India: Constitutional Promises vs. Social Realities' (2025) 7(3) IJFMR.

⁴³ Fancon (n 26).

⁴⁴ J N Reddy et al, 'Digital Privacy and State Surveillance: An Indian Legal and Technological Perspective' (2025) SSRN.

inherent in their systems. As illustrated by the historic involvement of Hansa Mehta and the subsequent Puttaswamy judgment, the UDHR has been the constant companion of our endeavours to create a more equal society.

To be effective, India's future depends on bridging the gap between "rights on paper" and "rights in practice." The major challenges that India must address in the 21st century include addressing systemic inequalities, enhancing the institutional capacity to fulfil positive duties towards those who experience systemic discrimination, and dealing with ethical dilemmas in the digital age. Thus, the UDHR must be treated as a living document, continually re-interpreted to address new forms of threats, and empowering those marginalized by these changes. Only in this way can we realize the transformative vision of 1948 for the lived experience of all citizens of India.

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