FROM UNIVERSAL DECLARATION TO CONSTITUTIONAL RIGHTS: THE INFLUENCE OF THE UDHR ON INDIAN CONSTITUTIONALISM AND JUDICIAL INTERPRETATION

by

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Abstract

The Universal Declaration of Human Rights (UDHR), which the United Nations General Assembly adopted on 10 December 1948, established the basic human rights that everyone should receive through their existence. The document serves as a declaration but not a treaty which has shaped constitutional developments and international legal frameworks and judicial processes in multiple countries. The Indian Constitution which the country adopted in November 1949 and implemented in January 1950 includes a complete collection of Fundamental Rights and Directive Principles of State Policy which operate as institutional protections that align with the principles established in the Universal Declaration of Human Rights. This study explores how Indian constitutionalism connects with the Universal Declaration of Human Rights through the assessment of judicial understanding regarding Articles 14 and 19 and 21 together with the application of international human rights standards in cases where national legislation lacks specifications and the examination of Articles 51(c) and 253 and 73 as constitutional elements. The paper demonstrates through court decisions from *Maneka Gandhi v Union of India and Francis Coralie Mullin v Administrator, Union Territory of Delhi and Nilabati Behera v State of Orissa and Vishaka v State of Rajasthan and Justice K.S. Puttaswamy v Union of India* that Indian courts developed rights-protective legal interpretations which sometimes match the principles of the Universal Declaration of Human Rights. The argument establishes that direct legal incorporation must not be confused with influence because the Universal Declaration of Human Rights does not automatically override Indian laws while courts must follow

Journal of Multi-Disciplinary Legal Research | Licensed under CC BY 4.0 — https://creativecommons.org/licenses/by/4.0/ | DOI: 10.5281/zenodo.24579573 | Title: From Universal Declaration to Constitutional Rights: The Influence of the UDHR on Indian Constitutionalism and Judicial

international standards that find limitations in constitutional text and enacted law and democratic legitimacy and institutional competence. The paper identifies practical implementation challenges because it shows formal rights people experience through real life situations which create uncertainty about how international treaties function in the country and lead to the possibility of using selective or superficial references. The UDHR establishes its most significant lasting impact through two functions which serve as its interpretative and normative functions because it delivers a shared vocabulary which enables people to comprehend Indian constitutional protections in their full extent while the Constitution stands as the main basis for rights which people can enforce in the nation.

Keywords: Universal Declaration of Human Rights; Indian Constitution; Fundamental Rights; constitutional interpretation; international law; Article 21; judicial review; human dignity.

1. Introduction

The human-rights system that exists today bases its foundation on the belief that human beings possess inherent dignity which grants them access to essential basic rights that come with their status as human beings. The Second World War, together with its widespread atrocities and the incapacity of existing organizations to safeguard human rights, created strong international demand for a minimum standard declaration. The United Nations General Assembly responded by adopting the UDHR in 1948. The document establishes rights which protect both civil and political liberties together with social and economic and cultural rights which include legal equality and freedom of speech and protection against wrongful detention and right to fair trial and right to work and education and sufficient standard of living.

The period of international transition saw the drafting of India's Constitution. The assembly worked to create a democratic republic after colonial rule and partition and social inequality that followed from these events. The Constitution's Preamble together with its Fundamental Rights and Directive Principles, establishes a framework that upholds justice, liberty and equality with fraternity as its fourth principle. The constitutional commitments in this document show multiple points of agreement with the Universal Declaration of Human Rights, yet the Indian Constitution also demonstrates how domestic political factors, anti-colonial history, social reform movements, and the needs of a multicultural society shaped its development. The relationship between the

two parties develops through dialogue, which leads them to share their ideas with each other, instead of one party directly copying from the other.

The relationship holds significant value because judicial interpretation demonstrates its importance. International norms serve as a guide for courts to interpret constitutional rights when they must decide cases involving open-ended text or unaddressed areas in domestic laws. The Article 21 protection evolved from protecting life and personal liberty into a broader protection which includes dignity and privacy and livelihood rights and fair legal procedures. The courts have recognized certain UDHR provisions as enforceable rules, but not all of them. The constitutional text together with statutes and binding precedent contains primary legal authority.

2. Research questions, method and scope

The study investigates three questions which include two main research points and one legal challenge. The study uses doctrinal and analytical methods. The research studies three main documents which are the UDHR the Constitution of India and selected Supreme Court judgments together with secondary scholarship. The cases are chosen for their importance to rights interpretation, rather than to suggest that every decision directly relied on the UDHR itself. A necessary limitation should be stated at the outset. The UDHR is not a treaty and does not, by itself, create the same treaty obligations as a ratified convention. The constitutional framework and customary international law arguments together with subsequent treaties and legislative measures and court decisions show how its impact functions. The paper distinguishes direct reliance on the UDHR from reliance on other international instruments, such as the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

3. The UDHR: origin, nature and legal significance

The General Assembly approved the UDHR on 10 December 1948 through Resolution 217 A (III). The document includes thirty articles which detail various human rights and fundamental freedoms. The first two articles establish equal rights and human dignity protection which prevents discrimination based on specified criteria. The articles from three to twenty-one list civil and political rights which include the rights to life and liberty and security and legal identity and equal protection of the law and access to effective legal remedies and protection against arbitrary detention and the right to a fair trial and the right to privacy and the freedom of

movement and thought and religious beliefs and speech and assembly and voting rights. The articles from 22 to 27 describe economic and social and cultural rights that encompass rights to social security and the right to work and the right to rest and the right to a decent living standard and the right to education and the right to take part in cultural activities. The articles from 28 to 30 establish a framework for understanding these rights which must be exercised in ways that protect other people's rights and support the United Nations organizational objectives.[1]

The UDHR exists as a declaration of principles which lacks the force of a binding treaty. The text establishes two separate requirements which must be fulfilled because the document needs ratification to become operational as an Indian domestic law. Its impact has reached extensive levels throughout various domains. The treaty created a common terminological basis which subsequent human rights agreements used to establish their legal framework starting with the ICCPR and the International Covenant on Economic, Social and Cultural Rights (ICESCR) which both received approval in 1966. The UDHR contains certain principles which may exist as customary international law yet each specific rule requires independent proof of its customary status because this status does not apply to every legal provision in the document.

Its significance holds both normative value and interpretive value. The organization establishes minimum standards which governments and institutions and laws must meet for evaluation purposes. The document offers courts persuasive guidance for interpreting constitutional provisions which use broad language. The UDHR shows that dignity holds vital importance because it links civil rights with essential resources required for true independence. A person cannot fully enjoy liberty if subjected to degrading treatment, denied access to basic necessities or excluded from legal protection.

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4. Core principles relevant to Indian constitutionalism

Four principles are especially relevant. First, universality means that rights belong to all people, not only citizens. The Constitution distinguishes between rights that belong to 'persons' and rights that belong to 'citizens'. The second principle of equality demands that people receive both identical legal rights and protection against discrimination that lacks justification. The third principle of indivisibility states that civil and political rights depend on social and economic

[1] UDHR, arts. 1–30; International Covenant on Civil and Political Rights, 999 U.N.T.S. 171 (1966); International Covenant on Economic, Social and Cultural Rights, 993 U.N.T.S. 3 (1966)

conditions. The fourth principle requires effective remedies because declaring a right without practical enforcement methods will leave an individual unprotected.

The principles do not resolve valid disagreements about the proper way to balance rights. The constitution allows restrictions on freedom of expression while public interests create conflicts with privacy rights and social rights to demand financial resources for their implementation. The UDHR serves as an incomplete framework which does not provide solutions for all types of conflicts. The principles need to be understood together with the constitutional framework and democratic processes and the particular legal situation.

5. Convergence between the UDHR and the Constitution of India

The Constitution of India does not reproduce the UDHR article by article. The Constitution of India includes multiple constitutional guarantees that maintain close ties to the main principles of the UDHR. Article 14 guarantees equality before the law and equal protection of the laws. Articles 15 and 16 address discrimination and equality of opportunity in specified contexts. Article 17 abolishes untouchability, while Article 18 addresses titles. The Indian Constitution establishes equality through these provisions because they address the persistent social exclusion and caste hierarchy system. The UDHR general commitment to equality receives stronger support through domestic measures that provide specific details about equality rights.[2]

Civil liberties show the same connection as other rights do. Article 19 protects specified freedoms of citizens which include speech and expression and peaceful assembly and association and movement and residence and their right to work. Article 20 provides protection against retrospective criminal punishment and double jeopardy and compelled self-incrimination. Article 21 protects life and personal liberty while Article 22 provides protections for arrest and detention procedures. The provisions show thematic connections to UDHR Articles 3, 7, 9, 10, 11, 19 and 20, but they differ from each other in their specific wording and scope and exceptions.

The Constitution also provides rights which have significant social impacts. Article 21A establishes free mandatory education for children who are six to fourteen years old. The articles prohibit human trafficking and forced labor and specific types of child labor. The Directive Principles establish rights to work, access to healthcare, educational opportunities, safe workplace environments, and government support services. The themes of these articles match

[2] Constitution of India, arts. 14-24, 21A, 37, 39, 41-43, 45, 47, 51(c), 73 and 253; UDHR, arts. 3, 7, 9-11, 19-20 and 22-26

the content found in UDHR Articles 22 to 26. The Directive Principles function as fundamental rules which govern the country according to Article 37 but do not allow courts to implement them directly. Courts have used judicial interpretation of these principles to transform Fundamental Rights into practical applications.

The Preamble establishes its dedication to justice through three types of justice which unite with the principles of liberty and equality and fraternity. The Indian constitution establishes international legal standards through its basic structure, which demonstrates its existence as an independent legal framework. The Indian Constitution draws its fundamental provisions from the historical Indian freedom movement and the debates about caste and minority rights and the struggle for representative government and the social reforms needed to address deep societal inequalities. The constitutional framework provides affirmative action and protective measures which exceed the boundaries of basic equal treatment rights.

6. Constitutional provisions that facilitate international engagement

The State must work towards international law and treaty obligations according to Article 51(c) which serves as a Directive Principle. Article 253 empowers Parliament to make laws for implementing treaties, agreements and conventions, even in cases where the subject matter would normally belong to the State List. Union executive power operates under two restrictions, according to Constitution and statutory laws as defined by Article 73. The rules which establish international treaties as binding agreements with foreign states help explain how international treaties affect domestic governmental processes. International declarations do not become enforceable by law through automatic conversion.

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7. International law in the Indian legal system

India follows a dualist system for international law because it requires all treaties to receive domestic legal approval before implementation. The international commitments India has accepted do not provide automatic enforcement rights in Indian courts. Legislation is required when implementation needs the creation of new offenses and obligations and new institutional frameworks and the imposition of restrictions on current legal rights. Parliament receives wide legislative authority through Article 253 to create laws that establish implementing regulations.

The domestic impact of international rules depends on their specific characteristics and the constitutional framework and the presence of applicable existing laws.[3]

International norms have gained significant interpretive power according to court decisions. Courts need international norms to interpret domestic rights when domestic law lacks clarity and international norms match constitutional protections and existing laws. This approach maintains international law significance while upholding parliamentary power. A declaration or treaty cannot be used to invalidate explicit laws or to supersede the Constitution.

The distinction between treaty and declaration must remain clear. The UDHR itself exists as more than a treaty. Its provisions may still be persuasive because they express widely recognised human-rights principles, because constitutional guarantees share similar language, or because a principle has been developed through later treaties and practice. A court using the UDHR needs to identify which legal path makes the document applicable instead of believing that its moral power enables all parts of the document to be enforced.

8. The method of rights-compatible interpretation

The process of rights-compatible interpretation consists of three distinct phases. The court begins its process by identifying the constitutional or statutory laws which control the particular case. The second step requires the determination of whether the text allows for multiple reasonable interpretations or whether there exists an actual legal void. The process evaluates international standards which comply with domestic legal requirements. The method functions as an interpretative tool, yet it cannot serve to change established statutes or generate new legal authority which the Constitution has reserved.

The method possesses positive aspects together with negative elements. The method enhances the connection between India's constitutional obligations and worldwide human rights standards. The solution provides advantages because existing laws do not match contemporary social developments. The use of broad international law references lets people hide their lack of thorough examination. Courts must identify their sources of legal authority between UDHR, ratified treaties, customary international law, and comparative decisions. The academic community needs both higher standards of transparency and better methods to measure research performance.

[3] Jolly George Varghese v Bank of Cochin, (1980) 2 SCC 360; Vishaka v State of Rajasthan, (1997) 6 SCC 241; Constitution of India, arts. 51(c) and 253

9. Article 21: from formal liberty to substantive protection

Article 21 of the constitution protects every individual from losing their life and personal freedom unless the established legal process permits it. The language of the law appears simple, yet judicial interpretation has transformed it into a crucial element of Indian constitutional law. The UDHR provides a comparison point because Article 3 safeguards life and liberty and personal security while Articles 5 and 9 deal with torture and unlawful arrest and detention. The provisions establish different requirements than Article 21 yet they both aim to defend individuals from unjustified government authority.[4]

The Supreme Court used separate parts of Fundamental Rights in its first decision about A.K. Gopalan v State of Madras. The Court treated the relevant guarantees as different rights which he maintained only between two rights and procedural fairness. The Maneka Gandhi v Union of India case brought a major change to the existing legal framework. The Court established that the process which takes away a person's freedom requires fairness and justice and reasonableness as its requirements rather than arbitrary and fanciful and oppressive methods. The Court used Articles 14 and 19 and 21 together which strengthened its ability to review state actions through substantive examination.

Maneka Gandhi did not simply import the UDHR into Indian law. The actual importance of the document lies in its ability to enhance domestic constitutional rights through its implementation of fundamental fairness and dignity standards. The decision demonstrates how an open-textured right can acquire greater content through constitutional interpretation. The legal framework of the Constitution remains the primary source for courts, yet international human rights principles shape their understanding of freedom.

The Court established that human dignity and essential life needs form part of the right to life according to its decision in *Francis Coralie Mullin v Administrator, Union Territory of Delhi*. The understanding of life in this situation proves that biological life must be understood through its non-biological aspects. The Court established that livelihood directly impacts life in *Olga Tellis v Bombay Municipal Corporation* while showing that constitutional principles must be used to assess both legal and actual circumstances. The two cases demonstrate how civil rights interact with the economic conditions that exist in society.

[4] A.K. Gopalan v State of Madras, AIR 1950 SC 27; Maneka Gandhi v Union of India, (1978) 1 SCC 248; Francis Coralie Mullin v Administrator, Union Territory of Delhi, (1981) 1 SCC 608; Olga Tellis v Bombay Municipal Corporation, (1985) 3 SCC 545; UDHR, arts. 1 and 3

10. Dignity as a constitutional organizing principle

Dignity acts as a legal framework element which helps to interpret particular rights. The explanation shows how custodial violence and degrading treatment and arbitrary restrictions and severe intrusions of personal autonomy create constitutional issues. The international framework bases its human dignity foundation on The UDHR's Preamble and Article 1. Indian courts treat dignity as a basic principle which determines the rights associated with life and liberty.

11. Equality, non-discrimination and effective remedies

The Constitution's Articles 14 to 18 demonstrate the UDHR equality principle, yet Indian constitutional equality has developed beyond its basic requirement for equal treatment of all citizens by the state. In a society shaped by caste, gender and other forms of structural disadvantage, substantive equality may require attention to unequal starting positions. The provisions of Articles 15(3), 15(4), 15(5), 16(4), and their related sections authorize specific protective measures which operate within their established constitutional boundaries. The measures demonstrate that equality requires two different types of actions, which include both prohibition of discrimination and implementation of measures to counteract exclusion.[5]

The UDHR establishes the right to an effective remedy which protects people from violations of their fundamental rights. In India, Articles 32 and 226 provide important routes to constitutional relief before the Supreme Court and High Courts respectively. Judicial remedies extend beyond providing decrees which establish that a right has been violated. Courts have awarded public law compensation to victims while they have developed procedural safeguards and issued directions to authorities. The practical value of constitutional rights depends on whether these remedies remain available and effective.

The Supreme Court acknowledged international human-rights standards through its ICCPR citation when it recognized public-law compensation for a custodial death case in *Nilabati Behera v State of Orissa*. The case establishes constitutional accountability because it shows that a state must face all grave violations instead of using ordinary private-law remedies as an escape route. The international-law discussion in the decision focused on the ICCPR together with the broader human-rights framework instead of establishing a domestic cause of action through the UDHR.

[5] Constitution of India, arts. 14–18, 32 and 226; Nilabati Behera v State of Orissa (1993) 2 SCC 746; Justice K.S. Puttaswamy (Retd.) v Union of India, (2017) 10 SCC 1; UDHR, arts. 8 and 12

12. Privacy and personal autonomy

The nine-judge bench of the Supreme Court recognized privacy as a Fundamental Right protected by the Constitution in *Justice K.S. Puttaswamy (Retd.) v Union of India*. The judgment established privacy rights as connected to dignity, autonomy, bodily integrity, family life, and freedom of decision-making. The UDHR's Article 12 protects against arbitrary interference with privacy, family, home or correspondence. The similarity demonstrates that privacy exists as a universal human right whose Indian counterpart obtains legal power through constitutional interpretation by the Court.

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13. Vishaka v State of Rajasthan: international norms filling a domestic gap

Vishaka v State of Rajasthan is one of the clearest examples of the Indian Supreme Court using international standards to give practical effect to constitutional rights. The case originated because there was no specific legal framework that provided sufficient details to address sexual harassment in workplace environments. The petitioners sought protection of women's constitutional rights to equality of life and liberty and the freedom to pursue a profession. The Court examined constitutional guarantees contained in Articles 14, 15, 19(1)(g) and 21 together with international standards which included CEDAW.[6]

The Court established that international conventions and norms which matched Fundamental Rights protection standards but maintained their original purpose could serve as tools to interpret constitutional rights. It established the Vishaka Guidelines as mandatory rules which would remain in effect until appropriate laws existed to replace them. The Court used international standards to determine existing constitutional rights and develop temporary protection measures which CEDAW and UDHR implementation did not establish as automatic rights.

[6] Vishaka v State of Rajasthan, (1997) 6 SCC 241; Convention on the Elimination of All Forms of Discrimination against Women, 1979; Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

The judgment used constitutional provisions that govern international relations together with Article 51(c) and Article 253 and the Union executive authority defined in Article 73. The Court demonstrated its understanding that constitutional rights need proper protection despite the lack of existing laws. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 received its official recognition when Parliament passed it. The sequence shows how courts develop new legal principles that require legislative response, but judges must not use their own legal standards as permanent substitutes for existing laws.

14. What Vishaka does and does not establish

Vishaka supports a qualified rule: international norms may assist in interpretation when they are relevant, consistent with constitutional rights and not displaced by conflicting domestic law. The statement proves through its content that international documents cannot be used to nullify Parliament Acts and judges cannot enforce all UDHR provisions as statutory commands. The Court's reasoning established a link between its decision and two elements that included an active constitutional base together with a real lack of legislative solutions and essential rights protection requirements.

The decision creates institutional challenges that need to be addressed. The guidelines need to be implemented and monitored together with their subsequent legal status assessment to determine their validity and operational effectiveness. The administrative resources of courts are insufficient for overseeing all workplaces and handling variations between different regions. The rights-protective interpretation of Vishaka functions as a critical legal precedent which requires both legislative and executive branches to ensure effective protection measures.

15. Criminal justice, detention and international standards

International human rights principles have guided Indian legal decisions about arrest procedures, detention practices, criminal procedures, and state accountability matters. The UDHR prohibits arbitrary arrest and detention and affirms the right to a fair hearing. The principles of the system match the constitutional Articles 20 and 21 and 22 and statutory criminal procedure protections. The specific rights that exist in a particular case depend on the constitutional and statutory laws that apply to the situation; international materials can help explain their function but cannot replace thorough legal review.[7]

[7] D.K. Basu v State of West Bengal, (1997) 1 SCC 416; Protection of Human Rights Act, 1993, s. 2(d); UDHR, arts. 9–11 and 22–26; Constitution of India, arts. 21A and 37

In *D.K. Basu v State of West Bengal*, the Supreme Court prescribed safeguards concerning arrest and detention to reduce custodial abuse. The judgment base itself rests on domestic constitutional law yet extends into international discussions about protecting human dignity and state custody security. The cases demonstrate how universal human rights values strengthen both constitutional protection interpretation and the requirement for institutions to maintain accountability. The Supreme Court used international standards to determine solutions for human rights violations. The domestic status of every instrument needs to be assessed because it affects their legal status. India ratified the ICCPR which creates treaty obligations that differ from the UDHR. The Protection of Human Rights Act 1993 defines human rights through rights that protect life and liberty and equality and dignity which the Constitution and international covenants grant and Indian courts can enforce. The statute establishes domestic institutional mechanisms, but it does not create automatic enforcement for all declarations and treaty provisions in every situation.

16. Social and economic rights

The Universal Declaration of Human Rights establishes social security and work and education rights together with the right to maintain a sufficient standard of living which the Directive Principles and the developing understanding of Article 21. Indian courts have occasionally interpreted essential dignity standards as constitutional protections because they understood that resource distribution and policy decisions required intricate institutional analysis. The education system serves as a primary demonstration of this concept: Article 21A now establishes a legal right to free and mandatory education for children who fall within the designated age range, while the Directive Principles and legislation establish the comprehensive educational framework.

The essential lesson shows that people need to understand the complete relationship between the civil-political and socioeconomic elements of the UDHR. A person who lives in poverty without educational resources and who has disabilities and faces discrimination will not be able to execute their rights to speak, public engagement, and legal protection. The judicial system cannot transform all socioeconomic dreams into rights that people can exercise at this moment. Courts must respect the distinctions drawn by the Constitution between enforceable rights and Directive Principles, while interpreting them harmoniously where possible.

17. Problem one: non-binding status and uncertainty of legal effect

The UDHR faces its first challenge because its formal legal status remains unestablished. The document functions as a General Assembly declaration which does not require treaty ratification for its implementation. The document holds strong persuasive power, yet its provisions cannot be considered binding on customary international law. A court or researcher must distinguish between moral authority, political commitment, treaty obligation, customary rule and domestic enforceability. The process of combining these distinct categories leads to an excessive legal interpretation which damages the validity of rights-based arguments.[8]

The second difficulty involves how international commitments interact with domestic laws. Courts do not treat international declarations as superior legal authority when they conflict with specific statutory rules. The Constitution remains the highest legal authority while Parliament holds essential constitutional power to implement international treaty obligations. A rights-compatible interpretation becomes most effective when domestic laws allow multiple interpretations or when actual legislative voids exist.

18. Problem two: selective judicial use and weak reasoning

Courts have the ability to use international treaties in their judicial decisions because they can choose when to use these treaties and when to skip explaining their relevance. The term 'international conventions' is applied in a general sense, but this usage fails to specify which legal provision is being referenced along with its legal status and connection to the constitutional text. The system creates unpredictable decision-making processes because it permits judges to select international resources that match their desired verdicts. The reasoning process requires greater clarity because it needs to describe the instrument while explaining its current standing and assessing any reservations or implementation details which need to be studied together with its specific function as an interpretive instrument.

The problem arises because people wish to use international standards as an easier way to solve their complex constitutional problems. Rights of disputes involve multiple competing interests together with challenges related to evidence and restrictions on institutional authority. Dignity and universality require testing state actions through relevant constitutional standards which they

[8] Vishaka v State of Rajasthan, (1997) 6 SCC 241; Constitution of India, arts. 37, 51(c) and 253. For the distinction between declarations and treaties, see UDHR, G.A. Res. 217 A (III), and the ICCPR, 999 U.N.T.S. 171

do not eliminate. Strong reasoning should connect international material to domestic text and precedent, rather than merely listing international provisions.

19. Problem three: judicial overreach and democratic legitimacy

Judicial action which protects rights becomes essential in situations where no laws exist and government entities refuse to fulfill their responsibilities. Courts function as judicial bodies, yet they lack control over their operations, which prevents them from developing complex regulatory systems that require specialized knowledge and operational power. The Vishaka Guidelines functioned as temporary protection measures, which the court established because no legislative framework existed, but the court should not use this situation to create comprehensive policy whenever international standards exist. Courts should base their decisions on rational grounds, maintain an appropriate balance and understand the duties of different institutions.

The answer is not to prohibit international references. The courts need to demonstrate intervening causes which require their judicial actions to resolve specific legal matters through constitutionally protected rights which they will enforce. The courts need to identify judicial orders which will remain in effect until new laws are passed. The executives and legislatures must respond through both consultation processes and proper resource allocation combined with successful plan execution.

20. Problem four: the implementation gap

The individual needs to show actual legal rights protection without constitutional doctrine verifying their existence. The formal guarantees reduce their effectiveness because litigation delays and high costs and restricted legal aid and unequal lawyer access and public ignorance and administrative opposition and weak enforcement combine to create this problem. The public does not report violations because social discrimination forces them to accept unequal power relations. The problems demand more than simple reference to the UDHR which exists in the judgment. The needs of the situation demand working institutions which offer accessible solutions through public awareness and continuous governmental activities.[9]

The gap between formal equality and lived equality reaches its highest point when people experience multiple simultaneous disadvantages. Women, children, persons with disabilities, marginalized communities, detainees and economically vulnerable persons face obstacles which

[9] Protection of Human Rights Act, 1993; Constitution of India, arts. 32, 39A and 226; UDHR, arts. 8 and 10

a general declaration of rights cannot eliminate. The Constitution provides tools for addressing such barriers, but effective protection depends on implementation and accountability.

21. Problem five: lack of awareness and legal research capacity

International human rights materials are not always used consistently in legal education, government decision-making, or lower-court practice. Researchers may struggle to distinguish the UDHR from binding treaties, locate authoritative texts, or verify the status of a cited proposition. This can lead to inaccurate footnotes and unsupported claims. Universities and judicial training institutions should teach students to identify primary sources, trace how a judgment uses an instrument and distinguish a holding from an observation.

22. Recommendations

First, courts need to establish a clear citation system which requires them to show both which legal document and which specific article they are citing. Second, Parliament and state legislatures need to examine which international treaty obligations require them to create new laws or enhance their current enforcement methods. Third, governments must provide the public with current information about their human rights obligations and how those obligations will be implemented. Fourth, legal services authorities and civil society organisations should improve public awareness and access to remedies.

The legal education system needs to teach students both doctrinal knowledge and practical research skills which include accessing case-law databases and performing citation checks and studying primary legal materials. Judicial remedies need to have monitoring systems which respect institutional boundaries established for their implementation according to appropriate circumstances. The courts need to avoid treating the UDHR as either non-binding, which makes it irrelevant or universal, which gives it automatic legal power. The appropriate role requires contextualization through principled reasoning, which needs to be demonstrated through thorough logical reasoning.

CONCLUSION

The process of transforming UDHR rights into Indian constitutional rights extends beyond mere international treaty implementation into domestic legal systems. The process of constitutional dialogue between different countries remains in progress. The UDHR creates a worldwide standard which defines fundamental human rights through its terms of dignity, equality, liberty,

and social justice. Through its Fundamental Rights and Directive Principles and judicial review and institutional remedies, the Constitution of India transforms these principles into enforceable domestic rights. The two frameworks have substantial common ground, yet their foundations differ because the Constitution has its own unique text and organization and restrictions and history of democratic governance.[10]

The Indian courts have established stronger ties with rights protection through their judicial interpretation of rights. Maneka Gandhi expanded the importance of fair and reasonable procedure under Article 21; Francis Coralie Mullin linked life with dignity; Nilabati Behera connected constitutional remedies with accountability for custodial violations; Puttaswamy recognized privacy as a Fundamental Right; and Vishaka demonstrated how international norms may help protect constitutional rights where domestic legislation is silent. The cases do not prove that all disputes can be resolved through direct application of the UDHR. International human rights standards show that international human rights standards can give effective guidance when they are properly connected to domestic constitutional law.

The main difficulties of this situation continue to exist because of legal uncertainty and selective reasoning and institutional tension and the difference between judicial rulings and actual life situations. The challenges require more than extra international instrument citations. The requirements need judicial reasoning to be clear legislative solutions to exist and public administration to function effectively and remedies to be available and human-rights education to take place. The UDHR maintains its greatest value when it enables courts and institutions to grasp the purpose and potential of constitutional guarantees while preserving the Constitution's legal requirements.

The UDHR functions as an international human rights standard which countries must follow to fulfill their obligations. The document serves as an effective legal framework which has established worldwide human rights standards, but its application will continue to enhance constitutional law interpretation. Indian constitutional law serves as the primary legal basis for domestic rights enforcement while international human rights standards provide additional context and organizational structure and aspirational goals. The process requires that universal declaration of rights transform into constitutional rights to achieve both legal progress and actual protection for individuals during their daily activities.

[10] UDHR, Preamble and arts. 1–30; Constitution of India, Preamble and Parts III and IV; Maneka Gandhi v Union of India, (1978) 1 SCC 248; Vishaka v State of Rajasthan, (1997) 6 SCC 241

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