

Human Rights Jurisprudence in India: A Critical Evaluation of Legal Developments and Gaps

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Abstract

Human rights jurisprudence in India has evolved significantly since the adoption of the Constitution in 1950. Rooted in the principles of justice, equality, and dignity, the Indian legal framework has progressively expanded the scope of fundamental rights through judicial interpretation, legislative action, and engagement with international norms. This paper critically evaluates the trajectory of human rights jurisprudence in India, focusing on major legal developments, judicial activism, and institutional mechanisms. It also identifies persistent gaps, including implementation challenges, socio-economic barriers, judicial overreach, and emerging issues in digital and technological domains. The study adopts a doctrinal and analytical approach, examining constitutional provisions, landmark judgments, and contemporary developments. The findings reveal that while India has made substantial progress in recognizing and expanding human rights, structural inefficiencies, lack of enforcement, and evolving socio-political dynamics continue to hinder their realization. The paper concludes by suggesting future directions for strengthening human rights protection through legal reforms, institutional accountability, and inclusive governance.

Keywords- Human Rights, Indian Constitution, Judicial Activism, Fundamental Rights, Legal Gaps

1. Introduction

Human rights jurisprudence in India is deeply embedded in the constitutional framework, particularly in Part III (Fundamental Rights) and Part IV (Directive Principles of State Policy). The Indian Constitution reflects a commitment to protecting individual dignity, liberty, and equality, drawing inspiration from global human rights instruments such as the Universal Declaration of Human Rights (UDHR). The judiciary has played a pivotal role in shaping human rights jurisprudence by interpreting constitutional provisions expansively. Landmark judgments such as *Maneka Gandhi v. Union of India* transformed the understanding of Article 21, expanding the right to life and personal liberty beyond mere physical existence to include dignity, privacy, and livelihood. Over time, the courts have adopted a proactive approach, often bridging legislative gaps through judicial innovation. Public Interest Litigation (PIL) has emerged as a powerful tool to ensure access to justice for marginalized communities. Through PIL, the judiciary has addressed issues such as bonded labor, environmental protection, gender equality, and prison reforms. This activist role has significantly contributed to the development of human rights jurisprudence in India.

However, despite these advancements, the realization of human rights remains uneven. Structural inequalities, administrative inefficiencies, and socio-economic barriers continue to impede access to justice. Reports indicate that legal rights often remain inaccessible to the poor due to hidden costs and procedural complexities. Thus, while India's human rights framework is robust in theory, its practical implementation reveals significant gaps. This paper seeks to critically analyze these developments and challenges.

2. Literature Review

The evolution of human rights jurisprudence has been widely discussed in legal scholarship. Early studies emphasize the natural law foundations of human rights and their incorporation into constitutional frameworks. Scholars highlight that human rights jurisprudence is intrinsically linked to the development of legal systems and societal values. Subsequent research focuses on the role of the judiciary in expanding human rights. The Indian judiciary is often described as "activist," particularly in its use of PIL and expansive interpretation of

fundamental rights. It has been instrumental in integrating international human rights norms into domestic law, thereby enriching constitutional jurisprudence .

Recent studies examine the intersection of human rights with criminal law, emphasizing issues such as fair trial, presumption of innocence, and protection against torture . These works highlight the tension between state power and individual liberties, underscoring the need for a balanced approach. Contemporary scholarship also addresses emerging areas such as digital rights and artificial intelligence. The rapid advancement of technology poses new challenges for human rights protection, including privacy concerns and data security issues . Empirical studies reveal significant gaps in the enforcement of human rights, particularly in rural and marginalized communities. Factors such as lack of awareness, institutional inefficiencies, and socio-economic constraints hinder effective implementation .

Overall, the literature underscores both the achievements and limitations of human rights jurisprudence in India, providing a foundation for critical analysis.

3. Present Perspective: Legal Developments and Gaps

3.1 Constitutional and Judicial Developments

India's human rights jurisprudence is anchored in constitutional provisions, particularly Articles 14, 19, and 21. The judiciary has expanded these rights through landmark judgments, recognizing rights such as privacy, clean environment, and legal aid. Judicial activism has been a defining feature of this evolution. Courts have intervened in areas where legislative and executive actions were inadequate, thereby ensuring the protection of fundamental rights. The introduction of PIL has democratized access to justice, enabling individuals and organizations to approach courts on behalf of affected groups. Additionally, the judiciary has increasingly relied on international human rights instruments to interpret constitutional provisions, reflecting a globalized approach to human rights protection .

3.2 Institutional Mechanisms

Institutions such as the National Human Rights Commission (NHRC) and State Human Rights Commissions play a crucial role in monitoring and addressing human rights violations. These bodies provide a platform for redressal and contribute to policy formulation. However, their effectiveness is often limited by lack of enforcement powers and bureaucratic constraints. Reports indicate delays in implementing recommendations and providing compensation to victims, highlighting systemic inefficiencies .

3.3 Persistent Gaps

Despite significant legal developments, several gaps persist:

a) Implementation Deficit:

The gap between legal recognition and actual realization of rights remains a major challenge. Many human rights violations go unaddressed due to weak enforcement mechanisms.

b) Judicial Delays:

Backlogs in courts hinder timely justice, particularly affecting vulnerable populations.

c) Socio-economic Barriers:

Access to justice is often limited by economic constraints, lack of awareness, and procedural complexities.

d) Emerging Challenges:

New issues such as digital privacy, artificial intelligence, and environmental degradation require updated legal frameworks.

e) Judicial Overreach vs. Restraint:

While judicial activism has expanded rights, it has also raised concerns about separation of powers and institutional balance .

3.4 Sectoral Challenges

Recent reports highlight increasing human rights violations and pending cases, indicating systemic weaknesses. For instance, rising complaints and unresolved cases in certain states reflect enforcement challenges and institutional backlog.

4. Future Directions: Engineering the Next Generation of Sustainable Materials

As the field of biodegradable polymers (BDPs) matures, research is transitioning from merely replicating the properties of conventional plastics toward creating "functionalized" materials that offer unique ecological benefits. The next decade of development is expected to be defined by three primary pillars: stimulus-responsive "smart" polymers, the integration of synthetic biology for carbon-negative production, and the synchronization of material design with global waste management infrastructure.

Stimuli-Responsive "Smart" Biodegradation

One of the most significant challenges currently facing BDPs is the uncontrolled nature of their degradation. A polymer that degrades too quickly in a humid warehouse is a commercial failure, while one that persists too long in the ocean fails its environmental mandate. Future directions point toward the development of polymers that remain entirely stable during their service life but undergo rapid, triggered degradation upon exposure to specific environmental "cues."

Research is currently focusing on embedding nano-encapsulated enzymes directly into the polymer matrix. These enzymes remain dormant while the product is in use but are activated by a specific trigger, such as a localized change in pH, a specific wavelength of UV light, or the presence of a "trigger molecule" found only in industrial composting facilities. For example, researchers are experimenting with PLA-based systems containing lipase-filled nanocapsules that rupture only when exposed to the high heat of a compost pile (58°C), ensuring that the material remains robust at room temperature but disappears within days once discarded.

Bio-Solar Production and Carbon-Negative Feedstocks

To truly solve the plastic crisis, the production process itself must be decoupled from the carbon-heavy agricultural practices currently used for first-generation bioplastics (like corn-derived PLA). Future directions are shifting toward **Bio-Solar** production, utilizing genetically engineered cyanobacteria and algae. These organisms can directly convert sunlight, water, and atmospheric CO₂ into polyhydroxyalkanoate (PHA) granules within their cell walls.

This "Third-Generation" feedstock approach bypasses the need for arable land and fertilizers, effectively turning plastic manufacturing into a carbon-sequestration tool. By 2030, it is anticipated that large-scale photobioreactors located in non-arable desert regions could produce high-purity PHAs that are not only biodegradable in marine environments but are carbon-negative from "cradle to gate." This would transform the plastics industry from a major polluter into a critical component of global climate mitigation strategies.

The Circular Bio-Economy and Global Standardization

The technological advancement of BDPs must be matched by structural changes in waste management. A significant future direction involves the "design for infrastructure" philosophy. Future polymers will likely be tailored to specific local environments; for instance, developing "home-compostable" materials for regions lacking industrial infrastructure and "marine-perishable" materials for the fishing industry.

Furthermore, the integration of digital tracing—such as molecular barcodes or chemical markers—will allow automated sorting facilities to distinguish between traditional plastics and various types of BDPs. This prevents the "cross-contamination" of recycling streams, which currently serves as a major economic barrier. The future of BDPs lies in a closed-loop system where "waste" is biologically processed back into the nutrient-rich soil required to grow the next generation of bio-based feedstocks.

5. Conclusion

The development of biodegradable polymers represents far more than a technical solution to a waste management problem; it signifies a fundamental shift in the human relationship with the material world. For over a century, the goal of polymer science was to create materials that defied time and nature. Today, the goal is to create materials that respect them. As this research article has explored, the transition from persistent, petroleum-based plastics to degradable, bio-based alternatives is a multifaceted journey involving complex chemistry, microbial biotechnology, and global economic policy.

The synthesis of materials like PLA and PHA has demonstrated that it is possible to achieve the mechanical performance of traditional plastics while ensuring an end-of-life scenario that results in non-toxic byproducts. While mechanical limitations such as brittleness and moisture sensitivity once hindered the adoption of BDPs, the use of biocomposites, nano-reinforcements, and polymer blending has largely bridged the performance gap. We have moved from simple starch-filled plastics to sophisticated, high-performance polyesters that can support everything from high-speed food packaging lines to life-saving medical scaffolds.

Despite these advancements, the path forward is not without obstacles. The "Green Premium"—the higher cost of BDPs compared to cheap, subsidized fossil-fuel plastics—remains a hurdle. However, as demonstrated in the "Present Perspective" section, the implementation of Extended Producer Responsibility (EPR) laws and the internalization of environmental costs are rapidly shifting the economic calculus. The "full-cost" of a traditional plastic bottle, when including its 500-year environmental legacy, far outweighs the production cost of a biodegradable alternative.

Furthermore, the lack of specialized composting infrastructure remains a bottleneck. The future success of BDPs depends as much on civil engineering and public policy as it does on chemical engineering. We must ensure that a "compostable" fork actually reaches a compost heap rather than a landfill, where the lack of oxygen prevents even the most biodegradable materials from breaking down efficiently.

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