



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

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HUMAN RIGHTS IN INDIA: WHAT NEEDS TO CHANGE

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ABSTRACT

While India's human rights are protected by a robust constitutional framework, there is a large gap between law and reality. The rights will become real only when there is enforcement, better institutions, police accountability and protection to the marginalized sections. This blog discusses three key areas: stronger institutions, better police accountability, and fuller protection for minorities and dissenters.¹

CONSTITUTIONAL PROMISE

India's Constitution lays down Core Rights to Equality, Freedom of Speech & Expression, Life and Personal Liberty while Protection of Human Rights Act, 1993 came into force with setting up of National Human Rights Commission (NHRC) to protect Core Rights as well as other Rights enshrined in various other International & Domestic Instruments. On paper the rights framework in place is a serious one but its effective implementation is greatly hampered by various factors.²

Human rights are not abstractions that are of no consequence to people. They are the foundation upon which people can speak and hold opinions freely; live with dignity without any fear of persecution; seek redress for violations of their human rights; and participate equally in public and political life.³

WHERE THE SYSTEM FALLS SHORT

¹ INDIA CONST. art. 12–35; Protection of Human Rights Act, No. 10 of 1994, INDIA CODE (1993).

² INDIA CONST. art. 14, 19, 21; Protection of Human Rights Act, No. 10 of 1994, § 3, INDIA CODE (1993)

³ Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (1948); International Covenant on Civil and Political Rights, Dec. 16, 1966, 999 U.N.T.S. 171

The lack of effective enforcement of formal rights: While rights are formally enshrined on paper, few are investigated and few more adequately punished. Reports from human rights organizations in 2025 and 2026 show how the space for civil society is being further squeezed, how journalists are being further restricted and how those who protest are detained, tortured and otherwise abused. There are also reports of ongoing discrimination of religious minorities and other groups and of violence by state actors and others including police and gangs.⁴

The rights of some communities are more equally protected than others. The restrictions placed on the rights of and freedoms of minority religious groups, Dalits, Adivasis, women and dissidents are often unequal and further undermined by the selective nature of their protection, which is subject to the prevailing political climate, the discretionary nature of local law enforcement and the vagaries of the rules of law.⁵

INSTITUTIONS NEED REFORM

The NHRC and State Human Rights Commissions are important institutions which need to be made more independent and provided with effective follow through powers. A rights body is established as a body corporate under the Protection of Human Rights Act, 1993 to protect human rights, i.e. right to life, liberty, equality and dignity. But a body can fulfil its objectives only when it has tools to investigate, recommend and get its recommendations implemented.⁶

Reforms should concentrate on enabling the NHRC and the State Commissions to function immediately by enabling speedy appointments to the membership and the Secretariat; by ensuring transparency in decision making; adequate staffing and an effective mechanism to monitor implementation of recommendations. Access to places where violation most occur such as prisons, police stations, night shelters, etc. should also be ensured. Without a credible institutional pressure alone, rights violation tends to repeat itself.⁷

POLICING AND ACCOUNTABILITY

A large part of human rights abuses in India are committed by State actors abusing their power and thus unlawful detention, torture and violence in custody, intimidation of human rights

⁴ HUMAN RIGHTS WATCH, WORLD REPORT 2026: INDIA (2026); AMNESTY INTERNATIONAL, AMNESTY INTERNATIONAL REPORT 2025/26: THE STATE OF THE WORLD'S HUMAN RIGHTS 186–92 (2026).

⁵ INDIA CONST. art. 15–16; Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, No. 33 of 1989, INDIA CODE (1989).

⁶ Protection of Human Rights Act, No. 10 of 1994, §§ 3, 12–13, INDIA CODE (1993).

⁷ Protection of Human Rights Act, No. 10 of 1994, §§ 4, 18, 21, INDIA CODE (1993); Paris Principles Relating to the Status of National Institutions, G.A. Res. 48/134, U.N. Doc. A/RES/48/134 (Dec. 20, 1993)

defenders and failure to protect civilians during communal violence are some of the issues that need police reform to address them.⁸

Clearly outlined guidelines need to be put in place for issues such as arrest, interrogation, surveillance and the use of force against crowds. In addition, there is a need for independent mechanisms for redressal of human rights violations. Training is necessary but not sufficient; it must be accompanied by mechanisms of discipline, prosecution and of public exposure and action. Until then, accountability will remain a mere theory as long as human rights abuse carries no penalty.

MINORITY PROTECTIONS

A human rights framework is meaningless if minorities do not feel safe to invoke it. A number of new reports detail the growing hostility towards religious minorities in India and how laws and policies are being misused in order to discriminate against them. Even where laws exist to prevent discrimination, much more needs to be done to ensure that these laws are being properly implemented and that equal access to justice exists for all individuals regardless of religion in order to report and seek justice for hate crimes.⁹

This requires India to protect sufficient space for civil society, for independent media, and for peaceful protest. Human rights in silence are short-lived and human rights that are treated as constituting a threat to the regime rather than as constituting constitutional speech are also short-lived.¹⁰

WHAT SHOULD CHANGE?

For India the following five steps would be most helpful: First, make rights institutions more independent and accountable. Second, improve police oversight and work to prevent custodial abuse. Third, more effectively enforce existing anti-discrimination law. Fourth, remove arbitrary restrictions to the fundamental rights to free speech, assembly and access to the digital world. Fifth, give victims of rights abuses greater remedies of compensation, of prosecution and of the publication of details of the abuse.¹¹

⁸ D.K. Basu v. State of West Bengal, (1997) 1 S.C.C. 416 (India); Code of Criminal Procedure, No. 2 of 1974, §§ 41, 46, 49, INDIA CODE (1973)

⁹ INDIA CONST. art. 25–30; International Covenant on Civil and Political Rights art. 27, Dec. 16, 1966, 999 U.N.T.S. 171

¹⁰ INDIA CONST. art. 19(1)(a), (b); International Covenant on Civil and Political Rights art. 19, 21, Dec. 16, 1966, 999 U.N.T.S. 171

¹¹ INDIA CONST. art. 32, 226 (remedies for enforcement of rights).

These are not revolutionary steps. They are necessary to make sure that rights are implemented in real life. Rights are implemented when institutions implement them consistently and when citizens know that the law is equally applicable to all.

CONCLUSION

Indian Human Rights need less lip service and more of structural reforms. Though a framework is in place, it requires to be made functional with independence, accountability and political commitment. Until then the human rights of dignity, freedom and equality shall remain a promise for many.