

Human Rights Are Eternal In Indian Values

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INTRODUCTION:

The history of human rights in Indian culture and values are eternal to its civilization as it has evolved. The “Rigveda”, which is regarded as the oldest epic in the world, proclaims that all human beings are equal and they are all brothers. According to “Atharveda”, all human beings have equal right over food and natural resources. The “Vedas” including “Upnishads”(Shruti) are the basic source of “Dharma”, (an umbrella like term for all human rights and duties), the observance of which was regarded as essential for securing peace and happiness to individuals as well as to the society. The “Smritis” and “Puranas” are the collection of the rules of “Dharma” (which includes civil rights and liability towards society i.e.Vyavhara Dharma) and “Raja Dharma’ (Constitutional Law) which were developed on the basis of fundamental ideals incorporated in the ‘Vedas’. There were also several other authoritative works on “Raja Dharma”, the most important of them were the Kamandaks and Kautilya's Arthashastra, all of them have vouched for ensuring happiness to the society and the subjects.

The role of “Dharma” has been elaborated by the Supreme Court of India in its judgment in case of A.S. Narayan Dixitulu Vs. State Government of Andra Pradesh [1996 (9) S.C.C. 548]. Justice Sri K. Ramaswamy after referring to a elaboration of literature on the meaning of “Dharma” stated that "the Word Dharma denotes upholding, supporting, nourishing that which upholds, nourishes or supports the stability of the society, maintaining social order and general well being and the progress of mankind. Dharma is that which approves to one self or good consciousness or springs from due deliberations for one's own happiness and also for welfare of all, being free from fear, desire, disease, cherishing good feeling and sense of brotherhood" (Para 78-79).

Right to Happiness:

The natural desire of all human beings is to be happy at every stage and in every aspect of life. It is natural human right, when there is absence of happiness; life seems to be of no use. Therefore the right of every individual to be happy has been engrossed in Indian culture since ancient times. This is the most important and inclusive of all human rights. It includes every desire as a right, the fulfillment of which leads to happiness. An individual has the capacity to fulfill his desires by his own efforts and securing happiness for himself and for the members of his family as well as for the human beings in the society.

"Dharma" was evolved to secure right to happiness for all. It should never be based at the cost of, misery of even a single person. It has never been accepted in Indian Culture and civilization. Instead the 'right to happiness' of every human being was laid down as an ideal. This is chanted in the prayer to everyday which is as-

भसर्वे भवन्तु सुखिनः सर्वे सन्तु निरामयाः
सर्वे भ्रदाणि पश्यन्तु मा कश्चदुःखभागभवेत्”

*"Let all be happy,
Let all be free from diseases,
Let all see auspicious things, and
Let nobody suffer from grief".*

An analysis of all the rules of “Dharma” shows that valuable human rights had been identified and recognized in India from times immemorial and the state was endowed for its implementation. It also shows that these values included several human rights now incorporated in the Universal Declaration of Human Rights, and also in the various fundamental rights incorporated in the constitution of India. This aspect was also pointed out by the Supreme Court of India in the case of Maneka Gandhi Vs. Union of India (1979 (1) S.C.C. 248) in these lines.

“These fundamental rights represent the basic values cherished by the people of this country since the vedic times and they are calculated to protect the dignity of the individual and create conditions in which every human being can develop his personality to the fullest extent” (P-277) [Bhagwati. J.].

The highest ideal of human life, evolved in India, is incorporated in a short but meaningful manner in the most popular prayer-

“सर्वे जनाः सुखिनो भवन्तु ।”

"Let all people be Happy"

Duty Based Society: Ensuring Human Rights

The objective of the great thinkers with whose contribution the civilization and culture of this pious land has evolved was to ensure the “rights” as well as performance of certain duties from individuals. The idea behind was based belief that the sense of rights only may lead to selfishness, whereas the sense of duty will surely generate, selflessness. Therefore various kinds of rights thus evolved became values of Indian culture which were based on the duty of every individual towards other individual. For example, the duty of parents towards their children, duty of sons and daughters, to look after their parents in old age, the duty of teachers towards their students, the duty of students towards their teachers, the duty of the state towards its citizen, and the duty of the citizen towards the state were all created to protect the basic human rights.

This fundamental approach to life has been clearly laid down and explained in the epics and in the comprehensive Indian ancient literature. To illustrate, in “Vishnupurana” there is a complete chapter devoted to defining the territories as well as boundaries alongwith the basic philosophy of this country. The importance given to duty in this land is emphasized in one of the verses from it, which say that-

**“अप्रापि भारतं श्रेष्ठ जम्बूद्वीपे महामुने ।
यतो हि कर्मभूरेषा ततोऽन्या भोगभूमयः ।।”**

Among the various countries of the world, India is regarded as "the great" because this is the land of duty in contrast to other countries which have made themselves the place of enjoyment and enrichment i.e. based only on rights.

It is significant to note that an eminent western **Jurist Dugout** (1859-1928), a professor of Constitutional law in the **University of Bordeaux**, too propounded the theory that for peace and happiness of human beings, it is necessary to establish a duty based society. He disagreed with the view which only stresses on the rights without reference to the duties. His view is similar to the one, which made duty as the basis of rights in this land. It is the value which

has, evolved through Vedas and other literature. It is mentioned in the most popular and significant statement in the Bhagvadgita (Ch-2), which reads:

“कर्मण्येवाधिकारस्ते ”

"Your right is to perform your duty"

The great message of this verse is that everyone owes a duty, and it is one's responsibility to discharge his duty. It is by this process that human rights can be protected and maintained.

Right to Equality:

Right to equality is the most valuable right without which the happiness is impossible. It is necessary that the dignity of every individual is respected and protected. Therefore equality and equal opportunity in every sphere of human activity has been recognized as the one, essential since ancient times.

Thus, the “Vedas” constitute the primordial source of “Dharma.” Charter of equality (Samanta) is found incorporated in the “Rigveda”, the most ancient of the “Vedas”, and also in the “Atharveda”, through these verses-

**“अज्येष्ठासो अकनिष्ठास एते।
सं भ्रातरो वावृधुः सौभागाय ।।”**

***"No one is superior or inferior, all are brothers, and all should strive for interest
of all and should progress collectively".***

The right of equality of all human beings as has been declared in the “Vedas”, are regarded as inviolable. In order to emphasize the dignity of individual, it is said that all are brothers as all are the children of God. No one is inferior or superior to anybody. Similarly, the “Atharveda” stresses that all have equal right over natural resources and all are equally important like spokes of wheel. Both the “Rigveda” & “Atharvaveda” declares that co-operation and cohesiveness between individuals is necessary for happiness and progress. It is of great importance that right to equality was made a part of “Dharma” long before the concept of modern state came into existence.

It is equally interesting to refer to the contents of “**Universal Declaration of Human Rights**” (1948), which says that "all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood".

Article 14 of the **Constitution of India**, also says that "The state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

Right to Practice Religion and to Form Associations:

Whether to be a believer or non believer in the existence of God or not, is another matter in respect of which there is absolute freedom for every individual. Further, those who believe in God, have the liberty to believe in any God by any name and to follow any religion of their choice and to adopt any method of worship. Though basically everyone believes that the God is one. On account of this liberal approach, several names were given to God, such as God for protection, Goddess of knowledge, power, wealth, and remover of obstacles etc. As a result, the number of Gods swelled, but without disturbing the belief that the God is one.

This probably is the mark of distinction of our culture and civilization in the whole world. This broad outlook is found in the following popular verse;

*“आकाशात्पतितं तोयं यथा गच्छति सागरम्।
सर्वदेवनमस्कारः केशवं प्रति गच्छति ।।”*

"Just as the rain water coming down to the earth from the sky reaches the same ocean, obeisance to God may be any name, but the destination is the same".

Article 18 on human rights says that "Everyone has right to freedom of thought, conscience and religion". This includes freedom to change one's religion or belief, and freedom, either alone or within the community along with others in public or in private, to manifest his religion or belief in teaching, preaching, worshiping and observing".

Article 20 (1) says that “everyone has the right to freedom of peaceful assembly and & association and no one may be compelled to belong to an association”.

Our constitution confers the fundamental right to all to practice any religion of their choice.

Article 25 says about freedom of conscience and freedom of profession, practice and propagation of religion. "Subject to public order, morality and health and to the other provisions of this part, all persons are equally entitled to freedom of conscience and the right to profess, practice and propagate religion freely". Thus secularism is given the place of pride in our constitution.

Special Rights to Women

Undoubtedly, the right to equality and other human rights are all applicable to men and women equally. However, the ancient Indian thinkers considered that having due regard to the special attributes of womanhood, they require special protection, for it is undisputable that women are vulnerable to attack by men with evil intentions.

Apart from creating the values of respect for womanhood, there have been special provisions for protecting several human rights of women, in view of the limitations and vulnerability of woman from attack by men. Rules of "Dharma" created an obligation on the part of the male members of a family to provide protection to every woman at every age and stage of life. Further, under "Raja Dharma" it was the duty of the state to provide protection to women. The rule of Dharma made it the duty of male members of the family to provide protection to women read as.

*“पिता रक्षति कौमारे भर्ता रक्षति यौवने ।
रक्षति स्थविरे पुत्रा न स्त्री स्वातन्त्र्यमर्हति ।।”*

"Father protects the girl during her childhood, the husband protects her after marriage and her sons protect her in old age. At no stage a women should be left uncared".

Article 15(3) of the constitution of India expressly empowers the state to make special provisions for the advancement of women and children.

The sanctity of the special right of women evolved in our culture has also been emphasized by our Supreme Court from time to time.

Protection of Human Rights During and After War:

Human rights were regarded as sacrosanct in this land, since times immemorial. It is evidenced by the rules which prescribed that even during and after wars, certain human rights are required to be respected and protected. Some of them are:

(i) Treatment to conquered people:

“सर्वेषां तु विदित्वेषां समासेन चिकीर्षितम्।
स्थापयेत्तत्र तद्वश्यं कुर्याच्च समयक्रियाम्॥
प्रमाणानि च कुर्वीत तेषां धर्मान्यथोदितान्।
रत्नैश्च पूजयेदेनं प्रधानपुरुषैः सह ॥”

"(a) Having fully ascertained the wishes of all the conquered people a relative of the vanquished ruler may be placed on the throne, along with imposing necessary conditions.

(b) Let him give recognition to the lawful customs of the inhabitants just as they state them (to be) and let them honour the new king (so appointed) and his personal attendants with precious gifts" (Manu VII, 202-203)."

(ii) Protection to the conquered people:

“दुष्टस्यापि नरेन्द्रस्य तद्राष्ट्रं न विनाश्येत्।
न प्रजानुमतो यस्यादन्यायेषु प्रवर्तते ॥”

"Even when the conquered king has acted wrongly, the conqueror should not rein his country, as the conqueror king would not have had the concurrence of his (conquered) subjects."

Lying down of such human rule to be observed during and after war is the high watermark of the development and respect for human rights.

Conclusion:

On the basis of the above discussion it can be said with pride that the idea of human rights along with the idea of duty to the people is ‘in-built’ or eternal to the Indian ethos and values, long before the concept of “modern state came in to being. Though Constitution of India framed in 1950 includes the ideas as propounded by developed and democratic countries, yet it incorporates the basic concepts of equality, liberty, freedom of practicing religion or faith of choice as mentioned in epics and ancient literature. We should be proud of our heritage evolved by saints and sages of India.

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