

## HUMAN RIGHTS IN ANCIENT INDIA

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### ABSTRACT

Human beings are entitled to certain basic and natural rights that define a meaningful existence. Equal dignity of all persons is the central tenet of human rights. These rights have been designed to be universal in application, inalienable in exercise and inherent to all persons. Origin of the idea of human rights in India though the Rigveda Period. The term Human Rights refer to those rights are considered universal to humanity, regardless of citizenship, residency status, ethnicity, gender, or other considerations.

**KEYWORDS:** Human Rights, Dhrma, Dhamma, Rinas, Yajanas, Purushrtha, Aashtang Marg, Ahinsa

### INTRODUCTION

**‘AmritasyaPutrahVayam’ - “We are all begotten of the immortal.”**

**“Every individual soul is potentially divine”, proclaimed Swami Vivekananda**

It is necessary to delve into the fundamentals of Ancient Indian Vedas in order to comprehend its position on human dignity, human rights etc. The fundamentals of Vedas are in those great dialogues that took place in the Himalayas some 4-5 Millennia back very much like the Socratic dialogues. They are not commandments but informed suggestions. Ancient Indian Culture doesn't recognize human beings as mere material beings. Its understanding of human identity is more ethical-spiritual than material. That is why a sense of immortality and divinity is attributed to all human beings in Hindu classical thought. It is on the principle that the soul that makes the body of all living organisms its abode is in fact an integral part of the Divine Whole – Paramaatman – that the Vedas declare unequivocally.

**‘No one is superior or inferior; all are brothers; all should strive for the interest of all and progresscollectively’.**

**The Rigveda** is the first of the four Vedas and is considered the essence of all knowledge. In fact the Vedas emphasize the quintessential oneness of the entire creation.

It is worthwhile to mention here that it was much later and very recently that the world had come up with the ideals of French Revolution or for that matter the first Article of the Universal Declaration of Human Rights (1948) that exhorts: “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”.

Three famous ideals that inspired the French Revolution i.e. Liberty, Equality and Fraternity have subsequently found place in almost all the democratic constitutions of the world including that of Bharat. Liberty and Equality are the ideals that can be achieved through constitutional means. But for achieving Fraternity we need something more than constitutional means. What does Fraternity mean?” Dr. B.R. Ambedkar, the Architect of Bharat's Constitution questioned, and went on to explain that “Fraternity means a sense of common brotherhood of all Indians – of Indians being one people.

It is this principle that gives unity and solidarity to social life.”

Today ‘human rights’ has become an important aspect of civic life. Its multi-dimensional nature has made its invocation very popular in national and international politics, among the academia, sociologists, political scientists and others. Human rights are those rights to which all human beings, parse are entitled and can lay claims upon in society.

The conceptualization of the content of human rights is a development of the 20<sup>th</sup> century, which continues into the new millennium.

Human Rights are commonly understood as inalienable fundamental rights to which a person is inherently entitled simply because she or he is a human being. India being a diverse country with its multicultural multiethnic and multireligious population. The phenomenon of human rights is connected not only with the protection of individuals from the excesses of state but also directed towards the creation of Social conditions by state in which individuals may develop to their fullest extent. Equal dignity of all persons is the central concept of all human rights. These rights have been designated to be universal in application, inalienable in exercise and inherent to all persons. Human beings are entitled to some basic and natural rights otherwise their life would be meaningless. Human rights are those rights which are inherent in our nature and without which we cannot live as a living as a human being. Human Rights and Fundamental Freedoms allow us to fully develop and use our human qualities, our intelligence, our talents and our conscience and to satisfy our spiritual and other needs. They are based on mankind's increasing demand for a life in which the inherent dignity and worth of human being will receive respect and protection. Human rights are sometimes called fundamental rights or basic rights or natural rights. As fundamental or basic rights they are those which must not be taken away by any legislature or any act of the government and which are often set out in a constitution. As natural rights they are seen as belonging to men and women by their very nature.

The idea of human right is as old as social life. Even from the ancient time, it was recognized that the values are essential for human life. Without these values, life of the man becomes meaningless. Rights are the most important values which a man cherishes. He enjoyed this for his fullest development. In the recorded history of mankind; he has fought for these rights whenever they have been challenged.

**The Universal Declaration of Human Rights which adopted on 1948**, defines human rights as “rights derived from the inherent dignity of human person”

Human rights are norms that help to protect all people everywhere from severe political, legal, and social abuses. Examples of human rights are the right to freedom of religion, the right to a fair trial when charged with a crime, the right not to be tortured, and the right to engage in political activity. These rights exist in morality and in law at the national and international levels. Historical sources for bills of rights include the Magna Carta (1215), the English Bill of Rights (1689), the French Declaration of the Rights of Man and the Citizen (1789), and the Bill of Rights in the United States Constitution (1791). The main sources of the contemporary conception of human rights are the Universal Declaration of Human Rights (United Nations, 1948) and the many human rights documents and treaties that followed in international organizations such as the United Nations, the Council of Europe, the Organization of American States, and the African Union. The philosophy of human rights addresses questions about the existence, content, nature, universality, justification, and legal status of human rights.

Human rights are norms that help to protect all people everywhere from severe political, legal, and social abuses.

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, color, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. Since the evolution of a civilized society a man has aimed at creating humane society and this is an age old desire embedded in its very nature.

Indian concept perceives the individual, the society and the universe as an organic whole. Everyone is a child of God and all fellow beings are related to one another and belong to a universal family. In this context, Mahatma Gandhi remarks, "I do not want to think in terms of the whole world. My patriotism includes the good of mankind in general. Therefore my service to India includes the services of humanity." Since the days of the Indus Valley Civilization, Indian culture has been the product of a synthesis of diverse cultures and religions that came into contact with the enormous Indian sub-continent over a very long stretch of time. As Jawaharlal Nehru notes, there is "an unbroken continuity between the most modern and the most ancient phases of Hindu thought extending over three thousand years." The rights of man have been the concern of all civilizations from time immemorial. "The concept of the rights of man and other fundamental rights was not unknown to the people of earlier periods." The Babylonian Laws and the Assyrian laws in the Middle East, the "Dharma" of the Vedic period in India.

### Human Rights in Ancient India

- The Vedas
- The Buddhism & Jainism
- The Kautilya's Arthshastra

There are certain beliefs and ideas which gave birth to Human Rights. In ancient times, the people demanded their Human Rights. If we look back to the past history, it comes to our minds that the Human Rights were changing from time to time according to the needs and set up of time. The right of everyone is to be respected and everyone has a responsibility to the rights of other persons. Although there are differences in races, sex, language, and color. Yet these differences do not change the said rights. There is a difference in thinking and ideas. Everybody has his own ideas and thinking. Everybody is born with Human Rights regardless of whom he is and to which community he belongs, and wears different cultures. Everyone has a right to be protected by the state and people. India happens to be one of the few countries in the world having a cheered history of human rights.

More than five thousand years ago, the ancient Indian philosophers and thinkers interpreted a theory of higher moral law over and above positive law embodying values of universal validity, the aim of which was to establish harmonious social order by striking a balance between spiritual and material aspects of life. Though formidable antecedents of the protection and promotion of human rights may be traced to the ancient literature and life of the people, the foundations of the modern human rights movement seem to have been laid in India only during the course of the anti-colonial struggle.

**The earliest fragments of the human rights, not only in India but probably in the world as such, may arguably be found in the ancient Indian literary sources depicting the norms of the socio-economic and political life of the people in ancient times.** For instance, the *Vedic* literature eloquently proclaims the equality of all human beings and calls for the fostering of the sense of fraternity amongst them all. Moreover, it reiterates the equal claims of the

human beings on the basic life supporting amenities like food, water, air and shelter and professes an egalitarian and fulfilling social order by calling for the ideal of '**SarveBhavantuSukhinah**' across the board. The essence of the human rights in the ancient times seems to lie in the timeless concept of **Dharama** (righteousness) which denotes the loftiest ideal underpinning the whole notion of good life for the people.

**Dharma** is one word which defines and covers totality of human experience and existence. It derived from the root, Dhr meaning to uphold, to support, to nourish, to integrate etc. The Law of Dharma in ancient India made an attempt at building an organized social life wherein each individual realized his goals within the parameters of social norms of morality. The natural law so revealed in the Vedas, Puranas and the epics Ramayana and Mahabharata was extolled by the mystics, saints, philosophers and poets. The philosophy explained by the saints of ancient India was a reinstatement of natural law with religious fervor to enthuse people towards the path of enlightenment and unity.

The philosophers of the **Vedic** period believed that Human Rights were based on mankind's increasing demand for life in which the inherent dignity and worth of each human being deserved to receive respect and protection. **Rig-Veda** refers three civil rights i.e. i.e. *Tana*[body], *Skridhi*[dwelling place] and *Jibhasi*[life]. Panini, the Sanskrit grammarian of fifth century B.C. stated that *Dharma* as an act of religious merits, custom and usage. Every individual, whether the ruler or the ruled, is governed by his/her own dharma. The rights and duties of rulers, ministers, priests and people are governed by the concept of *Dharma*. The ancient law giver **Manu** elaborated rules for the guidance of the king .It was his duty to uphold the law, and he was as much subjects to law as any other person. The king enforced not only the sacred law of the text but also the customary laws relating to the rights and claims of the subjects.

As a perceptible expert clarifies, '**The Vedas** including the **Upanishads (Shruti)** were the primordial source of 'Dharama', a compendious 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 society. The Smritis and the Puranas were collections of the rules of Dharama including civil rights and criminal liabilities (Vyavahara Dharama) as also Raj Dharama (Constitutional Law) which were developed on the basis of fundamental ideals incorporated in the Vedas.'

Most of the traditional **Human Right Theories** which claim that man is born with certain 'natural', inalienable, universal rights which can be ascribed to him just because he is a human being, this view maintains that man is born with certain **Rinas (debts)** or obligations and qua man, it is his foremost **Dharma** (duty) that he discharges these obligations with utmost care and perfection.

An elaborate **Theory of Rina** (debts) was developed in classical Hindu literature. These Rinas were classified into three categories - (a) Deva Rina, (b) Pitri Rina, and (c) Rishi Rina.

**Dev Rina** is our debt towards powers which control nature and its various phenomena and which have endowed us with invaluable gifts of air, water, fire, food, vegetation etc. (b) **Pitri Rina** is our debt to our ancestors, parents and society as a whole for giving us birth and providing conditions for our survival and development by maintaining the institution of family. (c) **Rishi Rina** is our indebtedness towards our teachers, great Seers, sages, discoverers and inventors who have brought our civilization and culture to this stage and have imparted knowledge and wisdom to the whole humanity.

These three Rinas are paid off by performing five kinds of **Yajnas** (sacrifices) namely, (a) **Deva Yajna**, (b) **Pitri Yajna**, (c) **Rishi Yajna**, (d) **Bhuta Yajna** and (e) **Nri Yajna**. The term **Yajna** is sometimes misunderstood to mean

simply performance of certain rites in which ablation of various kinds are offered to fire. But performance of this ritual is only a symbolic gesture signifying the duty of every individual to offer a portion of his possessions towards the whole i.e. the Universe. The notion of the three Rinasand five Yajnas is integrally woven into the scheme of **four-fold Purusharthas** - the four basic goals / ends of all human endeavors. The Purusharthas recognized by Hindu tradition are :- (1) **Artha** — the material well-being of man obtained through the attainment of wealth and worldly prosperity. (2) **Kama** — the attainment of pleasures related to the emotional and sensuous aspect of man's being. (3) **Dharma** — realization of the system of moral norms grounded in the essence of human nature. (4) **Moksha** attainment of the transcendental state of spiritual liberation. It is redemption not only from all sufferings but also from the limitations of space and time. These four Purusharthas are hierarchically ordered and Moksha is considered to be the highest amongst them - the ultimate or supreme end of human existence. But from the point of view of society and interpersonal relationships of its members, Dharma is considered to be the central Purushartha and is believed to provide the foundation for building a system of obligations and rights

In short, the whole system is based on a correlation between **Svabhava** (one's nature), **Svadharm**a (one's duties) and **Svadhikara** (ones' rights). From one's specific nature certain specific duties follow and these duties create certain rights. Obviously, due to the variability of Svabhava, modalities of rights also vary, but this variability in the distribution of social, economic or political rights, does not hamper the progress of society. Nor it is against the democratic spirit. On the contrary, it enhances the growth and stability of democratic society by providing special opportunities to each person to develop according to his own nature. **Manu's Dharma Sutra**, which is considered authoritative in this regard, relates all rights to duties specified by caste, age, and sex. Traditional rights then are privileges of status and position. However, for twenty-five hundred years there have been rebellions within the Hindu tradition against its hierarchical order, and today many Hindus believe Manu's code needs revision.

The **Buddhist doctrine** of non-violence is a humanitarian doctrine par excellence, dating back to the third century B.C. Through asceticism and meditative practice, Sakyamuni Buddha deepened his insight and was able to see “the Inner Cosmos” common to all people. Thus he became “the Enlightened One” by realizing “the fundamental cosmic Law (Dharma),” which was the source of the existence of every sentient being. He then began guiding people to realize their own “fundamental cosmic Law,” as well, and directing them to the path of peaceful coexistence in the world, the path which overcomes wars and violations of human rights, through transforming their own “Inner Cosmos.” The process of this “introspection,” that is, to deepen from the outer stratum into the depths of consciousness, initiates with illuminating one's own past deeds, which are called “*karma*” in Buddhist terminology. Then, the process unfolds beyond individual karma into the “shared *karma*” in the transpersonal realm, which is the *karma* shared among family members and friends. Further, the process reaches into the dimension that is shared with the community, one's ethnicity, and the state. In this realm, the depth of consciousness shared by each community or ethnicity, and the nation-state in contemporary times, too, fuses each to the other. In the deepest dimension, the consciousness of all human beings fuses on the base layer of the ecological system. Sakyamuni Buddha's meditation went through the profound depths of the collective consciousness of humanity, and through the numerous differences of race, ethnicity, gender, or occupation, he sought out the shared horizon of the universal and fundamental equality among all human beings. Sakyamuni Buddha, at the same time, perceived “the arrow of earthy desire” piercing the depth of everyone's consciousness, an arrow that drives people to conflicts and wars. “The arrow of earthy desire” is the symbolic cause that leads the people to discriminate against each other, prevents recognition of the equality of others, and compels people into fights. As Buddha and Buddhism is concerned, anything

does not relate to man's welfare, cannot be accepted to the word of Buddha.

According to Dhamma if every person followed the path of purity, the path of righteousness and the path of virtue, it would bring of all sufferings. According to path of purity the principles recognized by it are: not to injure or kill, not to steal or appropriate to one self-anything which belongs to another, not to speak untruth, not to indulge in lust, not to indulge in intoxicating drinks. According to path of righteousness these are eight constituents called Astang Marg- 1- Right Look, 2- Right Intension, 3- Right Speech, 4- Right Action, 5- Right Effort, 6- Right means of Livelihood, 7- Right Mindfulness, and 8- Right Concentration. According to Buddha, the path of virtues means-1- Sila-(moral temperament, not to do evil), 2- Dana - (give ones possessions even one's life for the good of others), 3- Uppekha- (determinant from indifference), 4-Nekkhma- (renunciation of the pleasure of world), 5-Virya- (right endeavour), 6- Kanti- (is forbearances, not to meet hatred, by hatred), 7- Succa- (is truth of speech and never to tell a lie), 8- Adhithana (resolute determination to reach the goal), 9- Karuna- (loving kindness of human beings), 10- Maitri- (fellow feelings to all living beings). Buddha gave a social message through his Dhamma. The message include, teaching of Ahinsa (non-violence), Peace, Justice, Love, Liberty, Equality and Fraternity etc. The elements incorporated in his social message are part and parcel of modern day principles of human rights, incorporated in many international declarations, conventions, protocols, and constitution of the most countries of today.

**Jainism** too contained similar doctrines. Jainism is one of the great religious traditions of India with millions of adherents, tens of thousands of them spread across the world. Nonviolence to humans as well as to animals is one of the fundamental contributions of Jainism to world philosophy. Mahatma Gandhi and Albert Schweitzer - to take only two examples - have been greatly influenced by Jain nonviolence, and the origins of vegetarianism are also credited to Jainism. According to the Gita, "he who has no ill will to any being, who is friendly and compassionate, who is free from egoism and self-sense and who is even-minded in pain and pleasure and patient" is dear to God. It also says that divinity in Hunan's is represented by the virtues of non-violence, truth, freedom from anger, renunciation, aversion to fault-finding, compassion to living being::, freedom from covetousness, gentleness, modesty and steadiness -the qualities that a good human being ought to have. The historical account of ancient Bharat proves beyond doubt that human rights were as muck manifest in the ancient Hindu and Islamic civilizations as in the European Christian civilizations.

**Kautilya's Arthasastra** refers the rights and duties of rulers, ministers, priests, soldiers, people etc. Kautilya had a strong opinion about War and Peace, Human Rights, International Economic Justice and World Order. Since, Arthashastra is more than 2000 years old treatise on *realpolitik*, it can be modified to suit the needs of modern international order and can form the basis of Indian foreign policy. The king's duties in the internal administration of the country are three fold *rakshaor* protection of the state from external aggressions, maintenance of law and order within the state and *Yogakshamaor* safeguarding the welfare of the people. The king shall protect agriculture from being harassed by fines, taxes and demands for labor. He shall build storage reservoirs either from natural springs or with water brought from elsewhere, or, he may provide to those who build reservoirs by giving them land, building roads and channels and shrines and sanctuaries or giving grants of timber and implements. The king shall enforce the laws regarding discipline among members of a family, slaves and persons mortgaged. According to Kautilya, a minister must be a self-controlled man, having good knowledge of politics, clever, sweet in speech, a good debater, possessing good conduct, attractive personality, pleasing nature, good health and courage. He also refers the responsibilities of townsmen. In the summer, citizens shall take appropriate precautions against fire. They shall not light fires during the middle quarters of the day; if

food has to be cooked during this period, it shall be done outside the house. If a house catches a fire, every occupant, owner or tenant, shall take immediate steps. No one shall throw dirt on the streets or let mud and water collect there. This applies, particularly, to royal highways. No one shall throw out dead bodies of animals or human beings inside the city. Arthashastra also refers to the women's right to property. A woman has control over her dowry and jewelry. She retained this control after the death of her husband so long as she did not remarry. If she remarried without the consent of her father-in-law, her new husband was obliged to return all her property to other family. A remarrying widow was also obliged to leave her property, at the time of remarriage, to the sons by the first marriage. In short, property passed down the male line, except when there were only daughters.

Asoka, the Mauryan emperor carried forwards the legacy of the Buddhist traditions and successfully established a welfare state. Gautama Buddha taught to honor parents, brothers, sisters, children, relatives and other persons in the society. If somebody hurts anybody physically or even vocally, he may be treated as a person lacking the basic human qualities<sup>6</sup>. Regard for human dignity is the basic social message of Buddhism. Buddha himself has suggested the people not to accept his words, simply because they were the Buddha's words, but only after duly examining them with reason. Thus he provided freedom of thought and expression, to the people<sup>7</sup>. After Kalinga war Asoka chakravarthi embraced Buddhism and followed *Ahimsa*. He wanted to create a welfare state in which there would be no conflict among the people regarding sect, religion, caste etc.

During the reign of Guptas, the main object of the king was to work for the welfare, comfort and prosperity of the people. The inscriptions of the Gupta period mention that a king can become a successful ruler only if he waits upon the elders, studies the art of Government, cultivates religiousness and protects his subjects as efficiently as the divine guardians. It was the duty of the provincial Governments to protect their respective provinces from external invasions and internal revolts. Like this they worked for the welfare of the society.

Rooting his concept of rights and duties in the notion of *Dharama*, Kautilya reiterated the civil and legal rights as propounded by the law giver of ancient times, the Manu. Clearly, modern concepts of human rights are a reflection of Western influence and interfere with traditional notions of *dharmā*. Yet, some Hindu reformers seek to interpret *dharmā* in ways that support the notion of human rights. This is not easily done. Perhaps this is why the Indian constitution sets forth the major human rights affirmed in the Universal Declaration without providing any philosophical foundation for them. Nonetheless, at the time of India's independence "most educated Hindus not only accepted these fundamental rights but insisted that they expressed age-old Hindu principles."

In his important work 'Happiness for All to Secure Social Harmony', J. S. Rama Jois writes: 'The Vedas and Upanishads were the primordial source of Dharma, a compendious term for all Human Rights and Duties, the observance of which was regarded as essential for securing peace and happiness to individuals and society. The Smritis and Puranas were collections of the rules of Dharma including Civil Rights and criminal liabilities (Vyavahara Dharma) as also Raja Dharma (Constitutional Law). There were also several other authoritative works on Raja Dharma, the most important of them being the Kamandaka, ShukraNiti and Kautilya's Artha Shastra. All of them unanimously declare that the objective of the State was to secure happiness of all'. "Today we are still living in this transitional chapter of the world history, but it is already becoming clear that a chapter which had a Western beginning will have to have an Indian ending if it is not to end in self-destruction of the human race. At this supremely dangerous moment in human history the only way of salvation for the mankind is an Indian way" – Arnold Toynbee, Introduction to 'World Thinkers on Ramakrishna and Vivekananda'.

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