

## The idea of human rights in ancient Indian society

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### Abstract

The idea that every individual, by the virtue of being a human, is entitled to a set of basic rights that are inalienable is fairly new, although this idea has its roots in various ancient cultures of the world. It was only after the two World Wars that the idea of human rights was centre-staged in the international arena. Human Rights were only then explicitly mentioned in a formal document, that we know as the Universal Declaration of Human Rights.

The historical evolution of the human rights is complex as the idea of Human rights already existed either in oral or written form. Many concepts of religious or philosophical origin, when analysed carefully, would seem to be based on the ideals on which the Human Rights are based. Its evolution is the result of philosophical, spiritual, cultural and legal developments throughout the world history. The value of human dignity and belief in justice is found in almost all the religious texts or practices of the world. The inviolability of these fundamentals is stressed in the religious traditions of Hinduism, Buddhism, Judaism and others. The underpinnings of the modern day international human rights jurisprudence is actually influenced by the moral foundations that were laid by the practices of various religions across the world.

**Keywords:** Cyrus Cylinder, Natural Law, Human dignity, *Dharma*, Justice, Human rights

### 1. Introduction

The revolutions around the world- British, American, French, Chinese and Russian were developed around the concept of natural law and natural rights that later on came to be known as Human Rights. The struggle against discrimination, inequalities and injustice has been at the core of all the human civilizations. The early demands made by the people were for basic civil liberties like right to life, liberty and pursuit of happiness, and later demands for rights of higher order like the social, cultural and economic or the collective rights came to be realised.

The evolution of the Human Rights is closely linked to the developments that took place in the relationship of an individual and the society. The changes from the absolutist state to that of the liberal or the state of *laissez-faire* and then to the welfare or socialist state has aided in the evolution of the idea of the Human Rights. As the societies evolved, the masses demanded for physical safety and inviolability of the person and property. Eventually, the concept of 'welfare state' paved way for the demand of rights such as rights against the arbitrary action of the state. The ideals of human rights and fundamental freedoms, thus, started being used as a safeguard against the lawlessness as well as arbitrariness of the governments. Of late, human rights have been used as a parameter of measurement of how a State treats its people. Although international documents on human rights such as Universal Declaration on Human Rights are not legally binding, but their authority is unparalleled. And this is one of the reasons as to why the members of the international community unanimously are critical of the states that fail to protect their subjects from human rights abuses.

Although the *Cyrus Cylinder* is regarded as the earliest source of human rights in the academia, especially by the western thinkers, but many other thinkers regard *Rig Ved*, one of the four canonical sacred texts of Hinduism, as the earliest

document that mentions the idea of human rights. Many Pan-Indian authors and others as well regard a strong possibility in the roots of the today's Human Rights in the oldest texts of Hinduism, the most significant one being, the *Rig Ved*.

### Human Rights in Ancient Indian Society

The earliest traces of the idea of Human Rights date back to more than 4,000 years. *Rig Ved* is considered as one of the oldest sources of Human Rights in the world. In the words of Lukman Harees,

*"The earliest attempts of literate societies to write about the rights and responsibilities date back to more than 4,000 years to the Babylonian Code of Hammurabi. This Code, the Old and New Testaments of the Bible, the Analects of Confucius, the Quran and the Hindu Vedas are the five oldest written sources which address questions of people's duties, rights, and responsibilities [1]."*

#### i) Human Dignity in Hindu Tradition

Human dignity is an integral part of Right to life, not only under the International covenants and conventions of Human Rights, but also at municipal levels. The Right to life under Article 21 of the Constitution of India includes, by way of wide interpretation, right to live with 'human dignity' as well. Human dignity finds an important place in various religious texts. In his book, Lukman Harees further mentions,

*"Religion has always played a central role in the protection of the human rights and especially in the promotion of human dignity [2]."*

This is easily done by the religion as it draws a moral code in which every human is treated as a child of God, thereby imposing a moral obligation on every human to respect others. Often, individuals who may not be so law-abiding, follow their religions firmly. Many times, religion as a firm moral code deters more individuals from a wrongdoing than law can do.

Hinduism by laying stress on universal brotherhood, rejection of hatred and emphasis on the spiritual and eternal aspect of all human, promotes and furthers the conception of human dignity.

## ii) Idea of Human Rights in *Rigveda*

There are various theories on the origin and evolution of Human Rights. Positive law approach explains the origin and development of human rights from law while natural law approach explains it as being embedded in basic human nature. Similarly, the explanation for human rights finds place in almost all the religious and cultural traditions of the world [3]. There are religious theories that maintain that human rights developed within a moral context. Such moral ground as the foundational stone of human rights is found in the various ancient Hindu texts, one being, the *Rig Ved*.

*'Amritasya Putrah Vayam'*

(Translation- 'We all are begotten of the immortal')

- *Svetasvatara Upanishad*

The idea of according a spiritual as well as divine value to a human being is peculiar of Hinduism. Hinduism does not regard human as mere material beings but an element of spirituality and divinity is attributed to all the human beings. Man is treated as the 'son of the immortal', where immortal is used for the almighty. On this aspect, all human beings are kept on the footing. A basic sense of non-discrimination, which is the cross-cutting principle in all the today's international conventions on human rights, was pre-eminent in the ancient Hindu texts.

*Rig Ved* is considered as one of the oldest texts in any Indo-European language [4]. Evidences of philology and linguistics reveal that it most likely dates back between c. 1500 and 1200 BC [5]. References to different kinds of human rights that we find in various international instruments on Human Rights can easily be found in the texts of *Rig Ved*.

It is believed that every human body consist an *aatma* or the soul that travels from one life to the other. That way, a man of lower financial or social status may embody a soul which in earlier life embodied in a woman of affluent class. That is to say that the *aatma* had been connoted under Indian legal philosophy, an indiscriminatory stature. Nevertheless, it cannot be denied that there evolved social structure based on division of labour in the ancient Indian society that later transformed into a discriminatory caste system, the shackles of which exist even today. Although the ancient texts do not mention such discrimination; it essentially was the manifestation of the people and their misinterpretation of the ancient texts. Furthermore, *aatma* has another dimension that establishes a close connection to the idea of human rights-invisibility. *Aatma* is regarded as invisible, probably so that the human agencies become incapable of giving it a status based on any of the discriminatory consideration. This non-discrimination is a cross cutting principle in all the treaties, covenants and conventions on Human Rights.

*RigVeda* mentions about a primal man- *purush*- who destroyed himself to create the human society and from his body parts, four different *varnas* were created. When his body was offered at the primordial sacrifice, the four *varnas* came from his mouth (This class was accorded the status of a priest), arms (a warrior), thighs (a peasant) and feet (a *shudra* or servant). This marked the starting of *varna* system in the ancient India. But this *varna* system was devised for the need of division of

labour in an evolving society. Later, human agencies misconstrued it, according to their own selfish needs, to be transformed into an inflexible and illogical caste system that prevailed for centuries. Even the *Arya Samaj* believes that the ancient *vedic* texts originally were casteless and non-discriminatory. They have maintained "a notion of dharma based on universal, rather than caste-specific, obligations to social values [6]."

'*Aatma*' that all the human beings embody is regarded as the integral part of the divine whole- '*parmaatma*'- which is constituent of '*param*' (penultimate) and '*aatma*' (soul).

*"Ajyesthaaso Akanisthaasa Yete  
Sam Bhraataro Vaavrudhuh Soubhagaya"*

-*Rig Ved, Mandala-5, Sukta-60, Mantra-5*

'No one is superior or inferior; all are brothers; all should strive for the interest of all and progress collectively'.

The caste-system that strongly held the social institutions of life in India would discourage one to believe that an element of 'equality' was inherent in *Rig Ved*. Mitra also affirms that Despite the immense powers that a king, *Raja*, had over his subjects in his empire, the Hindu texts recognised the fundamental sense of 'equality' by ruling that no one is superior or inferior, thereby bringing everybody at the same platform. This can also be inferred from the fact that although the king of the land was awarded a powerful and significant stature, but his subjects could easily reach them and discuss their problems with the *Raja* in his '*darbar*'. Even a common man could reach the highest authority of the state. For instance, a financially marginalised man, *Sudaama*, reaches out to meet his childhood friend, *Krishna*, who was now a *Raja*. There are many other such instances in history where a common man can meet the King without much difficulty.

*Rig Ved* talks about three rights that are civil in nature i.e. *Tan* (body), *Skridhi* (dwelling place) and *Jibhasi* (life), thereby relating to the right to physical liberty, right to shelter and right to life as we know them today.

*Arthvar Ved* also provides for Human Rights such as right to food and water.

*Samani Prapaa Saha Vonnabhagah  
Samane Yoktre Saha vo Yunajmi  
Aaraah Nabhimivaabhithah*

(Translation- "All have equal Rights to articles of food and water. The yoke of the chariot of life is placed equally on the shoulders of all. All should live together in harmony supporting one another like the spokes of a wheel of the chariot connecting its rim and hub".

-*Atharva Veda – Samjnana Sukta*)

## iii) Right to Happiness

The pursuit of happiness that was one of the fundamental rights sought for in the British Bill of Rights finds a special status in Hinduism. The right to happiness is considered to be the highest fundamental right. The holy prayer in Hinduism which is believed to be inspired from the Brihadāranyaka Upanishad is as follows:

*"Sarvepi Sukhinah Santu  
Sarve Santu Niramayah  
Sarve Bhadrani Pashyantu  
Ma Kaschid Dukhabhag Bhavet"*

(Translation- Let all be happy  
Let all be free from diseases  
Let all see auspicious things  
Let nobody suffer from grief)

Even the fundamental document of international acclaim on Human Rights, the Universal Declaration of Human Rights, is silent on right to happiness. Although, the right to live along with pursuit of happiness has been laid stress in the American Declaration of Independence.

*"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights that among these are Life, Liberty and the pursuit of Happiness"<sup>[7]</sup>.*

Further, a prayer finds mention in *Taittareya* Upanishad in the chapter- *Sikshavalli* which emphasises on happiness of entire mankind.

*Om Sahanavavatu  
Saha Nau Bhunaktu  
Sahaviryam Karavavahai  
Tejaswi Navadhitamastu  
Ma Vidmishamahai  
Om shantih shantih shantih*

Right to happiness is also emphasised in the *Kautilya's Arthashashtra*-

*"Prajasukhe Sukham Rajnah Prajanam cha Hite Hitam  
Naatmapriyam Hitam Rajnah Prajanaam tu Priyam  
Hitam"*

(Translation- "In the happiness of the subjects lies the happiness of the King; in their welfare his welfare. The King shall not consider what pleases himself as good; whatever pleases his subjects is only good for him")

#### iv) The Concept of 'Dharma'

'Dharma' or 'Dhamma' is the key concept that has been accorded multiple meanings and that has no single word translation in any of the western languages<sup>[8]</sup>. It is a fundamental concept that is treated as a cosmic law and order that relates to the orders and customs that make life and a universe possible<sup>[9]</sup> and connotes duties, rights, laws, conduct, virtues and "right way of living"<sup>[10]</sup>. The concept can be differently interpreted, for instance, in religious context, it can be used as to perform one's religious duties. It can also be taken as the performance of duties by all irrespective of their social, economic or cultural status<sup>[11]</sup>. It is on account of this *dharma* that the weak is protected against the strong. A fundamental sense of law, order and morality is maintained by *dharma*.

As per the ancient Hindu philosophy, the ideals of happiness, justice and social harmony can only be achieved through *dharma*.

A remarkable feature Hinduism is that it lays emphasis on duties in contrast to the rights. Hinduism does not see any right as absolute. It does not support the idea of rights being alienated to the concept of duties. *Karma* is considered as one's highest duty in Hindu tradition.

In Hinduism, it is often maintained that there is no word for 'rights'<sup>[12]</sup>. The closest word in Hindu tradition to the word 'rights' is *adhikar* which is used by Manu to describe a just claim or a right. In the words of Kana Mitra<sup>[13]</sup>, "*Dharma*

*implies justice and propriety as does the word 'right' of the U.N. Declaration, although the connotation of a 'just claim' is not explicitly present."*

Raimundo Panikkar<sup>[14]</sup> argues that the Hindu notion of *dharma* requires:

- That human rights are not only the rights of individuals or even humans,
- That human rights involve duties and relate us to the whole cosmos, and
- That human rights are not absolute but are relative to each culture.

Ancient Hindu philosophy lays as much stress on rights as on duties, and sometimes, even more. Even in the international instruments on Human Rights in the contemporary era, we do not find a mention of the duties along with the rights. Hindu philosophy believes that an individual can have an entitlement to a right only when he has fulfilled his duty or *Karma*.

#### Conclusion

Western thinkers are often attributed for their thoughts and theories to the making for the international Human rights jurisprudence. This view largely does not take into account the contribution of the non-western philosophies. And this in turn, poses a question on 'universality' of human rights that is emphasised time and again as the basic feature of the Human Rights. While studying Hinduism, one would find a strong foundational theory for the idea of Human Rights.

It is often maintained that there is an antagonistic relationship between the Hinduism and the ideas of Human rights, given the hierarchical system of caste that clinched the Indian society for ages. This perception about the status of human rights in ancient Hindu tradition seems to be biased and erroneous. What most thinkers ignore is the fact that a hierarchical caste system was essentially and purely a misinterpretation of the few classes of the Hindu society. There is definitely a room for the relation between the classical Hindu thoughts and the concept of Human rights. The concept of *dharma* or *dhamma* is a remarkable feature of Hinduism which is of unparalleled significance value. It is relatable to the idea of law, justice, duties and rights. Many other *sholkas* of ancient Hindu texts deliberate the concepts of equality, non-discrimination and right to happiness which are some basic human rights contained in almost all the international instruments on Human Rights. The ancient Hindu texts not only provide for traces of the ideas on the human rights but they do also lay special emphasis on the duties. This can definitely help in developing and enriching the International Human Rights jurisprudence, as in most of the international instruments on the subject, even today we do not find mention of fundamental duties, but only of the fundamental rights.

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