

# **The Evolution Of Human Rights From Ancient To Modern Virtual Worlds: Indian And International Perspectives**

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## **Abstract:**

The idea of Human Right is as old as the state itself. Man as a member of the human society has some rights in order to survive, as well as, to make his life better. Human rights are concerned with the dignity of the individual and level of self-esteem that secures identity and promotes human grace. Thus in this sense this paper deals with the historical evolution of human rights since Magna Carta of 1215 in international and since Vedic age in Indian perspective.

**Key word:** Human Rights, Human Grace, Liberty, Magna Carta, Self-esteem.

## **Introduction:-**

Throughout history, every society has required of define the concept of human dignity, in the sense of seeking to determine the qualities and inbuilt value. It is in this background that the concept of human rights – a concept which tends to emphasize the value of the individual and recognize his or her right as against their society or public authority by virtue of their being members of the human family, irrespective of any other consideration. The concept of human rights is of relatively recent origin. Only since World War II, people have tended to discuss human rights. Before that they would usually speak of 'Natural rights' or 'Natural Law' but although the words have changed, the basic idea is same: that all people have certain basic rights as a right to life, a right to freedom and a right to properly. From the beginning of human history, man struggled for his existence against nature and for liberty and freedom though these struggles for achieving basic freedom in every society are unique in their respective experiences.

## **Meaning and Definition:**

The most striking feature of the concept of human rights is that they may be difficult to define but impossible to ignore. The color of the skin may be white or black, the level of mental make-up may be high or low, the way of life of a person may be modern or primitive to the core, the essential reality of all belonging to species of human race cannot be dismissed by any stretch of imagination because Man as a member of the human society has some rights in order to survive, sustain and nourish his best potential. Human rights denote all those rights, which or

inherent in our nature and without which we cannot live as human beings. These rights are indispensable for the maintenance of human dignity and the individual enjoys these rights from birth to death.

As the concept of human rights is a complex and contradictory one, it is desirable to go through some of the standard definitions offered by different scholars from time to time. "Human Rights", in the words of A.A. Said, "are concerned with the dignity of the individual – the level of self-esteem that secures personal identity and promotes human community." According to Scott Davidson, "The concept of human rights is closely connected with the protection of individuals from the exercise of state, government or authority in certain areas of their lives, it is also directed towards creation of societal conditions by the state in which individuals are to develop their fullest potential."

From the above-cited definitions of human rights, it is pretty clear that human rights, whether recognized or not, belong to all human beings at all times and in all places.

Thus these basic elements of human rights pose certain fundamental questions regarding the very ethics of the subject because of the fact that the question of "human rights has always been an important, interesting and acute one", within the discourse of social science, particularly in recent times. In this context, many researchers have been prompted to explore the basis, nature and scope of this subject. So an historical enquiry may help to understand its growth and development in different phases of human history.

### **Historical Development in International Perspective:-**

The concern for human rights became popular particularly in the twentieth century, though it has its roots in different forms since time immemorial. Most of the students of human rights, trace the historical origin of the concept back to ancient Greece and Rome where it was closely linked with the pre-modern natural law doctrine of Greek stoicism. This theory of stoicism played a key role in political theories of natural rights both in Greece and Rome. Western political philosophy, however, contends that the "classical Greek philosophy was based on an examination of the individual and his role in the running of a civil society in particular – "the polis" – which became a precursor to the philosophical debate on the rights of man. Such views were taken up and developed by the stoics and later by Christian thinkers such as St. Augustine in the medieval period.

However, one of the earliest of these came in the medieval period in AD 1188, when the feudal assembly of the kingdom of Leon on the Iberian Peninsula, received from King Alfonso IX his confirmation of rights, including the rights of a regular trial and the right of inviolability of life, honor, home and property. The most influential commitment of this kind was in the English Magna Carta

accepted by king John at Runny med in 1215. The purpose of this Magna Carta was to limit the power of the king in Medieval Europe, this Magna Carta of 1215 is also known as the Articles of Barons, is the product of this struggle.

Human rights, during the medieval period were marred by the outbreak of a series of wars for upholding traditional religious principles. The idea of human rights developed in the process of revolutions. Rousseau, who said "Man is born free and is everywhere in Chains" and other philosophers, provided a sane for the revolution in 1789. In seventeenth – century England, the 'immemorial rights of English men' were successfully defended in the petition of Rights (1628) and the Bill of Right (1689). The petition of Right (1628) referred directly to the clauses of the charter of 1215 that stated that "no freeman shall be arrested, or detained in prison or deprived of this Freehold....except by the lawful judgment of his peers or by the law of his land." The English Bill of Rights (1689) codified the rights and liberties of subjects and provided rules for the succession of the British crown.

After this, The US declaration of Independence (1776) and the American bill of Rights (1791) carried not only the ideas of the earlier English documents but in some case their very text as well. The notion by this bill is that "All men are created equal, that they are endowed by their creator with inalienable rights, among these are life, liberty, and the pursuit of happiness". In continuing the French declaration of the Rights of man and the citizen (1789) became a source of documentation and example to codify human rights in newly framed constitutions of the emerging nation states. After all later on the Geneva Convention of 1864, is also a major steps towards the wartime protection of human rights. After World War I, liberal, internationalists, led by American President Woodroul Wilson (1856-1924), sought to implement their conviction that human rights, commerce, and security needed to be integrated and safeguarded by international organizations. The League of Nations was one such institution towards this direction.

With the establishment of the League of Nations after the First World War, human rights were further developed in the international sphere. Though human rights were not explicitly mentioned in the covenant of the League of Nations, the organizations was alive to the task of seeking to protect the rights of people in two particular spheres, namely, the minorities, and persons inhabiting the colonies of the defeated powers. Another important field from the human rights perspective in which the League was active on the protection of worker's rights and indeed the goal of fair and human conditions of labor for man and children. This particular objective has been put into practice through international labor organization (ILO) since its inception in 1919. Now it works as a specialized agency in the UN system.

The horror of the Second World War led to the birth and recognition of the modern human rights movement in the international domain. The declaration of President, Roosevelt's in 1941 of the freedoms (that is of speech and expression, of belief, freedom from fear and want) as a universal acceptable set of standards, along with the works of NGO's were some of the significant developments in this direction. But it was the establishment of the UN in 1945 and the subsequent international concern for the commitment of human rights that widened the scope of this movement. In fact, "the second-half of the present century has seen a universal acceptance of human rights in principle, and general agreement on its content".

A corner-stone of this post war human rights regime is the Universal declaration of Human Rights (UDHR) adopted on 10<sup>th</sup> December, 1948 was the first attempt at International level to spell out the individual Rights. Mr. Roosevelt rightly called it the "International Magna Carta of all mankind." It constitutes a landmark in the history of human rights. UDHR on 10<sup>th</sup> December, 1948, which commonly known as "Human Rights Day" The sources of this declaration be indebted much to the English Revolution, the American Revolution, and also the Russian and the Chinese Revolution. The first documentary use of the expression of human rights took place in UDHR and two other international covenants international Covenant on civil and political Rights (ICCPR) and International covenant on Economic, Social and Cultural Rights (ICESCR) of 1996 which came in to force in 1976 with the consent and approval of United Nations.

### **The Indian Perspective on human Rights**

The concept of Human Rights is not entirely western in origin. It is a crystallization of values that are the common heritage of mankind. The UDHR did not suddenly drop from heaven engraved on tablets but rather was a milestone on a path on which humanity had already been traveling for centuries. In fact, the language of human rights is product of the European Enlightenment. But the concepts of human rights are as old as the Indian culture as believed by the people of India. The political thinkers and philosophers have expressed concern over securing human rights and fundamental freedom for all human beings everywhere since the very early times of Vedic age.

In ancient India the concept of human rights can be trace its roots back to the Vedas of the fifteenth century B.C. The Vedas are a series of range, stories and pronouncements that portray a world is built into the fabric of the world, doing the right thing puts one in harmony with the universe. Vedic commands include non-violence and social justice (helping the poor), both central to human rights.

Under the ancient Indian system we find that the important of doctrine of separation of power had been accepted and involved. The charter of equality has

been incorporated in the Vedas, the first and the highest authority among the source of law. The Vedas define, equality of all in the following words:

“No one is superior inferior, all should strive for the interest of all and should progress collectively”.

Kautily beautifully sums up the entire concept of welfare state. "The happiness of king lies in the happiness of his subjects, In their welfare, his welfare whatever pleases himself the king shall not consider as good, whatever pleases his subject the king shall consider as good." Kautily's Arthashastra not only affirmed and elaborated.

The civil and legal rights first formulated by Manu but also added a number of economic rights. It is revealed that society in Vedic period was well structured highly organized and committed to human rights. In continuing Janis also argue that even violence against animals is wrong. Janis also says that good behavior requires that people not only avoid doing harm, but actively try and do well. Letting someone suffer is, for the Janis, as bad as hurting them yourself. Although a minority faith, Jainism is still practiced in India. Along with Jainism, Buddhism is the other great religious tradition to grow out of India. Followers believe that Siddhartha Gautama, who lived in the sixth century B.C., was the Buddha or enlightened one, who was able to recognize the essence of proper human behavior. According to Buddhists, the road to Nirvana, or enlightenment, is to follow the eight fold path, which includes proscriptions against harming others or allowing them to come to harm. Like the Janis, Buddhists say that all life is sacred.

No discussion of human rights and their roots in Indian tradition can be complete without a reference to king Ashoka. Ashoka is perhaps the first ruler who developed a totally antiwar perspective. He (Ashoka) in kalinga Edict inscribes: "All men are my children and just I desire for my children that they may enjoy every kind of prosperity and happiness with in this world and in the next, as also as I desire the same for all men." In fact, after the famous kalinga war Ashoka worked day and night for the protection of human right. It is however, unfortunate that human rights jurisprudence witnessed downfall with the decline of Mauryan Empire.

### **Human Rights in Medieval Times:**

In the Medieval period, during Muslim era in India, especially in the pre-Mughal period, there were series of cultural, social and political stressed and strain on the style and way of Hindus. The Muslim rulers in India were fundamentalist and despotic who forced upon the Hindus their own laws, customs, and religious practices. The concept of human rights got lost on its way in the dark and narrow alleys of the middle ages. But the period of Akbar's (1526-1605) great regard for rights, justice and secularism could be cited as an example in this regard. In his

religious policy Din-E-ilahi (divine religion), he tried to preach the idea of secularism and religious tolerance. Similarly, parallel to beautiful religious reform policies of Akbar, religious movements like Bhakti (Hindu) and Sufi (Islamic) made remarkable contributions towards eliminating the irreligious practices of contemporary society.

### **Human Rights in Modern India:**

Apart from ancient and middle ages the modern period in India started with the advent of the British and the English education in the early nineteenth century. The process of the Indian administration and judiciary started with the introduction of regulating Act of 1773 and continued for 85 long years. Thus, the British colonial masters rode roughshod over the Indian political, economic and socio-cultural rights in all spheres of life. Indians were told they did not deserve self-rule and that the British rule was a blessing-in-disguise for them. Basic rights such as rights to life and livelihood, right to equality, right to expression and association were denied to them. Their religious freedom, their light to belief and their right to practice their own religion were severely restricted and impinged upon by the colonial state.

In such an atmosphere, the leaders and people of India, who were well-aware of the loss of the loss of their human rights in the hands of the colonial masters, decided to take on the alien rulers and set to the test of wresting back their rights. Perhaps the first explicit demand for fundamental rights appeared in the constitution of India Bill, 1895. The bill envisaged for India a constitution guaranteeing to every one of her citizen freedom of expression, inviolability of one's house, right to equality before law, right to property, right to personal liberty, and right to free education, etc. A series of congress resolution adopted between 1917 and 1919 repeated the demand for civil rights and equality of status with English men. Another major development in this direction was drafting of 'Mrs. Besant's Common wealth of 1925, ' Art 4 of this bill contained a list of seven fundamental rights:

- (i) Liberty of person;
- (ii) Freedom of conscience and the Free profession and practice of religion;
- (iii) Free expression of opinion and the right of assembly peaceably and without arms and of forming associations or unions;
- (iv) Free elementary education;
- (v) Use of roads, public places, courts of justice and the like;
- (vi) Equality before the law, irrespective of considerations of nationality;

(vii) Equality of the sexes.

The resolution was passed in 1927 at the 43<sup>rd</sup> annual session of the Indian National Congress held in Madras. The committee called for by the Madras congress resolution came into being in May, 1928. P.t. Motilal Nehru was its Chairmen. The committee's report known as Nehru Report contained an explanation of its draft constitution that speaks for itself. The fundamental Rights, incorporated in the Nehru report, were in several cases taken word for word from the rights listed in the common wealth of India bill, 1925. The Nehru Report declared that the first concern of Indians was, "to secure the fundamental right", that had been denied to them. Another landmark in the development of the recognition of fundamental rights was the Karachi Resolution adopted by the Congress session held in March, 1931.

The decade of the 1940 & generally was marked by the resurgence of interests in human rights. It also resulted in the increased activities of the united Human Rights Commission and ultimately to formation of the U. N. Assembly members were sensitive to these currents, which supported their own faith in the validity of written rights for the Indian people. The further stage of the development of fundamental Right in India was the 'Sapru Committee Report', published at the end of 1945. This committee was appointed by and all parties conference in 1944-45 with Sir Tej Bahadur Sapru as its Chairman. The Sapru Report gave a standing suggestion that what constitution demands and expects, is perfect equality between one section of the community and another in the matter of political and civil rights, equality of liberty and security in the enjoyment of the freedom of religion, worship and the pursuit of the ordinary activities of life. Thus, these were included in the constitutions of free India (15<sup>th</sup> August, 1947) as fundamental Rights in part III and as Directive principle of State policy in Part IV, respectively and the natural law rights also have been incorporated in the preamble.

**Conclusion:**

This historical narration underscores empirical realities of man's struggle for rights being as old as the history of mankind itself which show. The concept of human Rights was in a rudimentary form in ancient times, in formative stage in middle ages and fully grown in the 20<sup>th</sup> Century with formation of the United Nations not only in the world but in India also.

**References**

- Ray, Arun, (2005), National Human Rights Commission of India, formation, functioning and future prospects, vol-1, Khana, New Delhi, p. 37.
- Basu, Durga Das(1994), Human Rights in Constitutional law, Prentic Hall of India, New Delhi, p. 5-6.

- Skutsch, Carl,(2001), "Human Rights, Ethics and Morality", James R Lewis (ed.) & Carl Skutsch, The Human Rights Encyclopedia, Vol-2, Sharpe Reference, New York, p. 747.
- Singh,Malkit,(2007), "Thinking of Human Rights in Colonial India", Research Journal Social Sciences, Vol-15, no. 2., p. 84.
- Johari ,J. C.,(1996), Human Rights and New World order: Towards Perfection of the Democratic way of life, Anmol, New Delhi, p. 2.
- Tyagi,Yogesh Kumar,(1981) "Third world Response to Human Rights", Indian Journal of International law, Vol-21, p. 119.
- Raj, M. Sundara,(2006), "Awakening of Human Rights", C. J. Nirmal (ed.), Human Rights in India, Historical, Social and Political Perspective, Oxford University press, New Delhi, p. 3.
- Micheline R. Ishay (ed.),(2007) The Human Rights Readers, Major Political Essay, speeches and Documents from Ancient Time to the Present, Routledge, New York, p. 476.
- Human Rights Manual,(1993), Department of Foreign Affairs and Trade, Australian Govt., Canberra, p. 10.
- Vijaya Kumar V.,(2000) "The working of the National Human Rights Commission A perspective", C. J. Nirmal (ed.) Human Rights in India, Historical Social and Political Perspective, Oxford University press, New Delhi, p. 274
- Sharma, Arvind, , (2006) Hinduism and Human Rights A Conceptual Approach, Oxford University press, New Delhi, p. 30.
- Padhi N. K.,(2007),Protection of Human Rights and National Human Rights Commission Reflections, Gyan, New Delhi, p. 83.
- Dehta, Sunil & Dadwal, Lalit,(2005), "Genesis of Human Rights in India", Sastry T.S. N (ed.),(2005), India and Human Rights Reflections, Concept Publication Company, New Delhi,