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**Topic: Origin and Development of Human Rights in India**

**Introduction:** The concept of human rights is the result of the long evolution of philosophical, political, legal, social reflection and inseparably connected to the social-democratic traditions. Looking at the concept of human rights from historical perspective, it becomes evident that it is neither entirely Western nor so modern in origin. In fact, it is the crystalisation of human values that are the common heritage of different countries including India. The rich socio-cultural and religious traditions of India bears the human values may be compared with the modern concept human rights. But that is different thing that these rights were not recognized by a particular name as ‘Human Rights’.

Stages of Evolution of Human Rights in India: The evolution and growth of human Rights in India can be studied under the following periods:

**(1) Human Rights during Ancient Period:**

The ancient Indian philosophers and thinkers were not alien to the concept of Human Rights. What the West has discovered today in the sphere of human rights has been an accepted principle of India’s rich legacy of tradition and cultures.

There are many references in the Vedas, which indicates on the existence of human rights in ancient India. Ancient Indian thinkers expressed concern to secure fundamental freedoms for all human beings since the very early time of Vedic age. The Vedas provided the basis of human rights like equality and the four Vedas insists on equality and respect for human dignity. The Vedic Rishis always prayed for the well- being of everyone in society. These Rishis were first to conceive the whole world as one family. In this context, it was considered foremost duty of the state or king to protect the citizens orpraja*.*

There were references in the Rig Veda of three civil rights namely, Tana (Body), Skridhi (Dwelling place) and Jibhasi (Life). It becomes also amply clear from the declaration made in the Vedas which read as:

*Ajyestaso akanishtas ete*

*Sam bhrataro va vridhuhu sowbhagaya*

*Samani prapa saha vaha ann abhagaha*

*Same yoktre saha vaha yunajmi*

*Araha habhimiva abhitaha*

In the Vedic era, the king was not above the law and violation of laws by the king, could be punished like an ordinary citizens. The Vedas and Smiritis advocated for equality of brotherhood e,g, *‘Vashudhaiva Kutumbakam’* (the whole world as one family). The modern concept of global village is more or less akin to this concept.

In the whole eighteen Puranas, Vyas has said two things-(a) doing good to another is right and (b) causing injury to another is wrong.

In ancient India, all aspects of human life used to be governed on the basis of Dharma which included the concepts of rights, freedoms and duties. The sole aim of Dharma was the social order free from any kind of conflict and chaos. The laws which were structured on the philosophy of Dharma were free from religious discrimination. We learn from the epic *Mahabharata* that *Dharma* was ordained for the advancement of all creatures as well as for restraining creatures from injuring one another. The message of ‘*Dharma*’ as the supreme value and which binds not only men and women but also Kings and citizens. The realization of social order is assured in Dharamasastras by co-ordination of conduct adapted to different conditions and situations of life

In the Bhagawat Gita, righteousness has been described as the essence of Dharma. The Upanishad speaks of *Dharma* as the foundation of the whole universe. The epics like Ramayana and Mahabharata demonstrate the commitment and faith of our sages towards justice.

However, it should also be noted that the Hindu epics idealized the caste system. The prevalence of caste system deprived a section of people the privilege of enjoying certain rights and freedoms on equitable basis. Though the Hindu epics idealized the caste system, yet they also prescribed obligation of the rulers towards all sections of people.

The ancient Indian law giver Manu laid down elaborate rules for the guidance of the king and a number of economic rights. Similarly, Kautilya, in his *Arthasastra* elaborated different civil and legal rights of citizens. Kautilya’s *Arthasastra* asserts that ***“****in the happiness of the subject’s lies the happiness of the King and what is beneficial to the subjects is his own benefits****”.*** Kautilya also disapproves the theory of royal absolutism and also subordinated the King also to the law.

There was, the rise of Buddhism and Jainism, there was a revival of human rights jurisprudence. Influenced by the teachings of Buddha, the great Emperor Ashoka worked extensively for the protection of human rights in his kingdom. The study of *Mudra Rakshas* shows that dispensation of justice was considered as one of the sacred duties of the rulers. Because of this there was great emphasis on the institution of kinship and Rajdharma in order to escape from political disorder, social chaos and injustice. It becomes amply clear that ancient Indian jurisprudence stood for enlarging and encouraging human freedom, liberty for all people.

**(2) Human Rights during Mediaeval Period:**

Medieval period is considered as an important stage in the history of India because of development in the field of art, culture, religion and languages. The early medieval period witnessed wars among regional kingdoms in North and South India, where as late medieval period saw Muslims invasion especially by Afghan, Turks and Mughal During the period, the Islamic tradition of human rights emerged from the holy ‘Koran’ which helped in disseminating universal brotherhood, compassion and justice. Its manifestation reached its climax during the reign of King Akbar. His policy of equality, justice, tolerance and harmony established a new trend of equality and reconciliation among different communities in India. Subsequently, his policy was followed by his son King Jahangir.

Again, the Bhakti movement under Chaitanya, kabir and numerous Sufi saints preached the concept of universal brotherhood, social and moral values, and justice also contributed to the growth of human rights in India in Medieval India.

**(3) Human Rights during Colonial Period:**

In modern attributes, the philosophy of human rights took shape during the British period. The struggle for human rights marked against the exploitative and oppressive rule by the British colonial power, on the other the struggle was meant to restore the ancient lost values through various Social Reforms Movements. In this respect, the great Indian renaissance thinkers like Raja Ram Mohan Roy, Iswar Chandra Vidyasagar, Mahadev Govind Ranade, Swami Dayananda Saraswati, and Swami Vivekananda made substantial contribution towards the promotion of human rights in India.

Raja Ram Mohan Roy made frontal attack on the religious malpractices that divided the whole Hindu society causing deprivation of the majority people of their basic human rights. During the period, another renowned social reformer, Iswar Chandra Vidyasagar, also stood against the anti-social customs and dedicated him to the cause of women’s right. Because of his relentless efforts that legal barrier to the widow marriage were removed through legislation in 1856. As an ardent supporter of women right, played a significant role in promoting girls education during the colonial period. Likewise, Mahadev Govind Ranade set up the *Indian Social Conference in* 1887, to fight against human rights violation such as caste discrimination, untouchability, and polygamy. Apart from these, the socio-religious movement led by Dayanandi Saraswati through Arya Samaj and Ramakrishna Mission founded by Swami Vivekananda made far reaching efforts in spreading education to all section especially women, awakening the people against the social evils in the society.

It is worth to be mentioned here that in the socio-political history of India, the British colonial period was compared with the ‘Dark Ages‘.The East India Company debarred Indian from possessing high offices and deprived them of their socio-political and economic rights. However, as a result of stiff opposition from the Indian people that the Charter Act, 1813 was passed to appease the interest of the native Indians. Likewise, the Government of India Act, 1833 was enacted to allow the Indians to enjoy some political rights. The Queen Victoria’s proclamation of 1858 contained a few principles of secular state policy, which were similar to fundamental in nature. As per the provision of the Proclamation, the British ruler will not interfere in religious beliefs and worship of the native. Thus, in the subsequent period, freedom movement under the guidance of the Indian National Congress took up the cause of political freedom of India.

**(4) Human Rights during Freedom Movement:**

The Indian freedom struggle was nothing but the struggles for protection of human rights of Indians. During the British rule, resistance to alien rule manifested itself in the form of demand for fundamental freedoms and rights of the Indian people.

The concrete demand for fundamental rights for the Indian people came in the wake of the nationalist movement, which coincided with the birth of the Indian National Congress in 1885. For example, the Constitution of India Bill 1895, popularly known as the ‘*Home Rule Document’* prepared by the Indian National Congress paved the way for a constitution ensuring every one of the citizens the basic rights such as freedom of expression, inviolability of one’s own house, right to property and equality before law. The moderate nationalists like Gokhale and Dada Bhai Naoroji criticized the British rule for keeping the Indian people deprived of the rule of law as it prevailed in England. In 1886, Dadabhai Naoroji questioned the British sense of justice: “*If we are denied Britain’s best institutions, what good is it to India to be under British sway****?*** “.

With the emergence of Gandhi on the Indian political horizon the Congress leaders in one tune started opposing tooth and nail oppressive laws like Rowalt Act, 1919 and strongly stood for the rights of the Indians. Most of the nationalist leaders like Moti Lai Nehru, Madan Mohan Malviya, Jawaharlal Nehru, Subhash Chandra Bose, Sardar Patel and Maulana Azad emphatically denounced the British imperialists for the curtailment of people’s basic freedoms and unleashing reign of terror whenever people raised their voice against curbs of freedoms and inhuman injustices.

**The Government of India Act, 1935:** The Government of India Act, 1935 was passed without any particular bill of rights much of the disappointment of the Indian leaders. However, the Act was one of the major sources of the constitution of independent India. It was the ‘Sapru Committee’ of 1945 that subsequently emphasized the need for a written code of fundamental rights for the people of India.

**Constituent Assembly and Human Rights**: The constitution of India was framed by the Constituent Assembly which met for the first on December 9, 1946. When the constitution of India was in the making, the UN General Assembly adopted the Universal Declaration of Human Rights on 10th December, 1948, surely influenced the framers of the Indian constitution. The Constituent Assembly incorporated a plenty of rights as proclaimed by the General Assembly in the Universal Declaration of human Rights. These rights are related to equality, freedom of religion, non exploitation, education and culture, property and constitutional remedies.

**5. Human Rights in the Post-Independence Period:**

The new constitution of India enumerated a detailed list of fundamental rights and duties for the people of India. The newly formed government took many proactive steps and followed an egalitarian model of state, despite the army, police and bureaucracy remained largely colonial in their approach. Many challenges like caste factor, language, feudalist and communal characteristics that sprang up as a barrier in implementing the provisions of the new constitution of India. However, in its first decade, in the name of nation building, contradiction within the Indian polity and states came into light in the late-60s. Many dissent groups, political sections, student’s organisations raised their voice against the expansionist policy of the government of India. In the name of national integration and consolidation, Indian state began to suppress such expression of political dissent trampling human rights. A number of civil rights groups raised their voice against state suppression of their rights.

The Declaration of National Emergency in 1975 resulted in the suppression of all dissent political groups and suspension of civil and political rights. All dissident or opponent political leaders were imprisoned by suspending their democratic political rights. In the midst of human rights violation during emergency, there were movements for the protection of civil liberties and human rights of the people. These civil liberty movements challenged the arbitrary detention, police atrocities and custodial violence. Leaders like Joyprakash Narayan, played a significant role in initiating the discourse of civil liberties.

Moreover, the mushroom growth of human rights related NGOs are playing a vital role in protecting human rights in India. Many international leading NGOs such as Amnesty international, Human Rights Watch and International Red Cross society have been working for ameliorating human rights condition in our country.

The adoption of the Protection of Human Rights Act, 1993, was a historic event in the protection of human rights in India. Article 3 of the Act provided for the establishment of a National Commission for Human Rights at the national level and State Human Rights Commission for each state.

Thus, from the above it becomes obvious that India maintained long human rights records in different phases of her history.

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