



## Concept of human rights: Western perspective vis-a-vis Indian perspective

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### Abstract

The article primarily deals with constructing a dialogue between the Western and Indian perspectives of human rights. The article reveals that though, the present Indian constitutional-legal conception of human rights appears to be largely influenced by the Western perspective but historically, India relishes its own legacy of human rights, autonomous and uninfluenced from the Western perspective. The Western perspective focuses on 'individualist' approach of human rights and considers the political institutions represented by State as the source as well as guard of human rights. Quite differing with the Western perspective, the Indian perspective perceives the individual as an integral unit of community and thus believes in the 'community' approach of human rights. Indian perspective moreover, perceives State only as agent of human rights and not the source and considers the social institutions, such as religion, culture and community as the sources which primarily acknowledge the rights of human beings.

**Keywords:** State, individualism, legal approach, religion, culture

### Introduction

The idea of rights affirms that rights are implanted in human beings, while individualism consigns individuality as the fundamental category of human existence <sup>[1]</sup>. Thus, human beings are rational beings and by virtue of their being human, they preserve certain fundamental and undeniable rights, which are usually acknowledged as human rights. Hence, prior to understanding the Human Rights, the words Human and Rights are needed to be understood <sup>[2]</sup>. The word 'Human' means belonging or concerning to the nature of man or mankind <sup>[3]</sup>. The word 'Rights' is generally taken to mean "the standard of acceptable and prohibited action within a certain sphere lawfully binding". Further, Rights are concerning just or unbiased treatment and fairness in judgments according to standards and codes recognized by a legitimate authority <sup>[4]</sup>. Besides, New International Webster's Comprehensive Dictionary of the English Language, literally denotes the word "right" means anything done in accordance with or comfortable to truth or fact, correct, true, accurate, not mistaken, comfortable to a standard of propriety, fit, suitable <sup>[5]</sup>.

The concept of human rights is not only a complex one, but it also is controversial. It is recognized both at international level as well as national level. Fundamentally, it has been developed after World War First when the man witnessed the nude dance of inhumanity, tyranny and total massacre of law and order, the attack on the creation of nature and an attempt to destroy the basic structure of human existence <sup>[6]</sup>. In another words, the concept of human rights visualize a detailed story of the attempts made to define basic dignity and worth of human beings and their most fundamental entitlements. In addition, it enables individuals to develop completely and utilize their human qualities, intelligence, talents, conscience and to satisfy their social and additional necessitates. Conceptually, human rights has been dynamic in nature and existed ever since man as a gregarious animal lived in communities; family, clan, tribe, village, town or nation, and now in an independent world community <sup>[7]</sup>.

Human Rights are closely tied historically to the notion of justice and human dignity that are as old as human society.

The gross denial of human rights arising from discrimination on the ground of race, religion, belief or expression of opinion outrage the conscience of mankind and endanger the foundations of freedom, justice and peace in the world. Thus, the denial of these rights not only for individual tragedy, but also creates the situations of social and political unrest, thereby sowing the seeds of hostility and conflict inside and among societies and nations <sup>[8]</sup>.

### Meaning and Definition

Human Rights are those minimal rights, which every individual must have against the state or other public authority by irrespective of any other consideration. Individual is the vital subject of human rights and fundamental freedoms because all rights derived from the self-respect and worth inherent in the human being <sup>[9]</sup>. The creed of human rights intentions to identify the essential positive and negative prerequisites for a "universal" nominal standard of justice, tolerance and human dignity that can be considered the public moral norms owed by individuals and asset of their humanity <sup>[10]</sup>.

The term human rights itself was first coined by American writer Henry David Thoreau in his accords "Civil Disobedience" and it was first used by Thomas Paine in the English translation of the French Declaration of the Rights of Man and Citizen. The phrase substituted the terms natural rights and rights of men and entered into general usage following World War II, after the creation of the United Nations <sup>[11]</sup>. Henceforth, it is necessary to go through some of the standard definitions assumed by different scholars from time to time to get acquainted with the connotation and nature of the human rights.

According to Harold J. Laski, "Rights are those conditions of social life without which no man can seek to be himself at his best". He further defines, every State is known by rights that it maintains <sup>[12]</sup>. The term 'rights' refers to a legally enforceable set of expectations as to how others,

most obviously the State should behave towards rights bearers<sup>[13]</sup>. A Right may be defined as something to which an individual has a just claim. The American Declaration of Independence states, "All men are gifted by their Creator with definite unalienable Rights that among these are Life, Liberty and Pursuit of Happiness". James Madison affirms that "as a man is said to have a right to his property, he may equally be said to have a property in his rights<sup>[14]</sup>".

The Lexicon Universal Encyclopedia pronounces, "Human Rights are Basic political and social conditions to which individuals are entitled as a human being<sup>[15]</sup>".

Susan Moller Okin defined Human Rights as "claim to something of crucial importance for human life". Here human rights are noticed, as respect for human being such rights will contain right to life, freedom from arbitrary arrest, coercion and to be respected as human creature<sup>[16]</sup>.

Barnard Mayo, "Human Rights are the rights that a human being has in virtue of whatsoever characteristics he has that is both specifically and universally human".

Scott Davidson, "The concept of human right 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 the creation of societal conditions by the state in which individuals are to develop their fullest potential<sup>[17]</sup>".

D.D. Basu states, "Human Rights are as those minimum rights which every human being must have against the state or other public authority by virtue of his being a member of human family irrespective of any other consideration<sup>[18]</sup>".

In the verses of President Jefferson, human rights are "inherent and inalienable rights of individual", and hence a state that violates in its laws and its actions, actually breaches one of the very prerequisites of civil co-existence between states and may be legitimately brought to account.

Former United Nations Secretary General Kofi Anan enlightens, "Human Rights are what make us human. They are ethics by which we create the sacred home for human dignity. Human rights are what reason requires and conscience commands<sup>[19]</sup>". Human Rights belong to each personal and do not depend on the particulars of the individual or the relationship between the right-holder and the right-guarantor.

Jack Donnelly describes that human rights are apprehended by all human beings, irrespective of any rights or duties individuals may have as citizens, members of families, workers, or parts of any public or private organization or associations". This definition advocates that human rights apply to all people in all states<sup>[20]</sup>.

The protection of human Rights Act, 1993, defined Human Rights as "the rights relating to liberty, equality and dignity of the individuals guaranteed by Constitution as embodied in the Fundamental Right, the International Covenants and enforced by courts<sup>[21]</sup>".

### Historical Evolution of Human Rights

The history and development of Human Rights is very fascinating. The intellectual origins of human rights are diverse and complex. They can be traced back to all values, norms and institutions which tend to protect human dignity and which therefore are inherent<sup>[22]</sup>. The discourse on human rights may be a relatively modern creation, but the ideas that underpin rights can be traced back to ancient times. The Hindu Vedas, the Babylonian Code of Hammurabi, the Bible, the ideas of ancient Greek

philosophers, the Quran and the Analects of Confucius are the oldest written sources which address questions of people's duties, rights and responsibilities<sup>[23]</sup>.

Various strands of notion did originate in the philosophical and dramatic writings of ancient and classical philosophers. The Greek thinkers developed the idea of natural law or natural rights. They asserted that man possesses "insight" and this insight reveals to him the kindness and wickedness of things and makes him be acquainted with the absolute and eternal values. Greek citizen enjoyed such rights as *Isonomia* (equality before law), *Isotonic* (equal respect for all), and *Isogoria* (equal freedom of speech). It was in ancient Greece where the concept of human rights began to take a greater meaning. To embark with the Greek playwright Sophocles (495-406 BC) provided an early defense of the individual's right to oppose state suppression in his drama *Antigone*<sup>[24]</sup>. Similarly, Plato (427-384 BC) developed an early version of universalism of rights in ethical standards, implying fair treatment to all persons, even though they are citizens or not. Moreover, Plato's disciple Aristotle (384-322 BC) in his monument works 'politics', talked about the significance of virtue, justice and rights in accordance with diverse kinds of constitutions and circumstances. Besides this, Cicero (106-43 BC) a Roman statesman in his writing 'Laws' provided the philosophical foundations of natural law and human rights<sup>[25]</sup>.

### Magna Carta (1215)

Generally, it is said that the struggle for human rights started in the western world in the beginning of the 13th century and the historians refer to the origin of the concept of Magna Carta. The main theme of the Magna Carta was protection against the arbitrary acts of the king. In fact, Magna Carta was a petition urging the king to concede certain rights to particular section of the people<sup>[26]</sup>. In reality, the Magna Carta was merely a compromise of the distribution of powers between king and his nobles. Magna Carta was a famous instance for the fulfilling demands of medieval landowners and corporations who asserted claims to customary and legal rights against monarchs seeking to enhance their own power and wealth<sup>[27]</sup>.

In the medieval and early modern western philosophy, Thomas Aquinas (1225-1274 AD) supposed that "human dignity and value were innate properties, which were validated according to natural law". The intellectual origin of human rights lies in the concept of natural rights, which provided some of the theoretical foundations for the French and American revolutions for the late eighteenth century. The idea of natural rights developed in seventeenth and eighteenth century in the Western Europe as a tool to protect individuals from the arbitrariness of the absolutist state<sup>[28]</sup>.

Hobbes (1588-1679 AD) prepared a new basis of individual's allegiance to the State by focusing on the pre-social nature of human being. According to his perception, human beings were selfish and quarrelsome and absolutely relentless in showing aggression towards each other. In short, Hobbes recognized people's innate right to complete liberty in the state of nature and security from the State. This trait of human beings entails the process of Social Contract among the inhabitants of the State of nature and subsequent establishment of a powerful State. Owing to Social Contract, individuals surrender their personal freedoms to the State in return for security it offers. This basic right to security is the legitimate basis of the sovereign

State and if the State fails to perform this mandatory duty, it loses the legitimacy of its existence. John Locke (1632-1704) in his *Second Treaties of Government* discussed the natural rights. He declared “man being born with a little too perfect freedom and an uncontrolled enjoyment of all the rights and privileges of the law of nature, equally with any other men. Locke provides man a power not only to preserve his property, i.e. his life, liberty and estate against the injuries and attempts of other men, but to judge and punish the breaches of law in others <sup>[29]</sup>”. As per Rousseau ‘man is born free but everywhere is in chains’ dedicating to exploring the conditions, which restricted human freedom. Rousseau believed that freedom could achieve through smaller communities in which participatory democracy could be practiced. Further, Rousseau, the torchbearer of the Industrial Revolution, proclaimed that men were endowed with inalienable rights of liberty, equality and fraternity. This revolution led to the blooming of capitalism and giving birth to fundamental rights in state constitutions <sup>[30]</sup>. Hegel represents a reaction against the notion of the freedom, born out of natural rights. He said man had no inalienable rights and his freedom was a gift of the State. Social theorist Karl Marx regarded ‘the law of nature’ approach to human rights as ‘idealistic and historical’. He saw nothing ‘natural’ or ‘inalienable’ about human rights. A Society is capitalist monopolized; the notion of individual rights is regarded as a means of production and as a bourgeoisie illusion. Hence, Marxism is to recognize the contextually of human rights in terms of the materialistic conditions of society and its weakness is to conceive of human rights chiefly in a materialistic frame <sup>[31]</sup>.

#### **Petition of Rights (1628)**

The Carta of Rights was strengthened in 1628 by the Petition of Rights and in 1689 by the Bill of Rights, to constitute the platform for parliamentary superiority over the Crown and along with provide documentary authority for the rule of laws in England. There were four articles conversed in Petition of Rights as follows

**Article 1:** Without parliament’s endorsement, no person is ought to be entailed to pay tax or benevolent.

**Article 2:** No being should be locked up without cause being shown with the Royal command not to be ample cause.

**Article 3:** No Troops should be quarter in private home without sanction and reimbursement to their proprietor.

**Article 4:** The Crown should issue no commission preceding the Martial Law <sup>[32]</sup>.

#### **Virginia Declaration of Rights (1776)**

The Virginia Declaration of Rights was a document proclaiming that individual natural rights were inherent. It was adopted unanimously by the Virginia Convention of Delegates on June 12, 1776 and influenced a number of documents, including United States Declaration of Independence (1776), the United States Bill of Rights (1789), and the French Declaration of the Rights of Man and Citizen (1789). Virginia Declaration can be considered as first modern Constitutional protection of individual rights.

#### **United States Declaration of Independence (1776)**

The American Revolution originated in the colonial revolt of 1763 and America won independence in 1776 from the British rule. Their main commitment of the Declaration envisaged, “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”. To protect these rights, Governments are instituted among Men, deriving their just powers from the assent of the governed. Whenever any form of government becomes destructive of these ends, it is the fundamental Right of the people to alter or to eradicate it.

#### **Declaration of the Rights of Man and of the Citizen (1789)**

The Declaration of the Rights of Man and of the Citizen is one of the essential documents of the French Revolution, defining a set of individual rights and collective rights of all the estates as one. The Declaration was adopted in August 26, 1789 as the first platform towards writing a Constitution. Further, it sets forth fundamental rights not only of French citizens, but concedes these rights to all men without exception, making it a forerunner to the international human rights instruments. It proclaimed the slogan of “liberty, equality and fraternity”. In this regard, Article 1 defines, “men are born and remain free and equal in rights and social distinctions can be founded only on the common utility <sup>[33]</sup>.”

#### **Bolshevik Revolution (1917)**

Russian revolution which took place in 1917 was the first successful communist revolution of the world. It was against the naked exploitation of the masses by the autocratic ruler and wealthy feudal nobles. It stresses that economic and social rights were as essential as the civil and political rights. Basically, it was a declaration of the rights of the working class and exploited people proposed during session of the Constituent Assembly by Bolshevik delegation <sup>[34]</sup>.

#### **The League of Nations (1920)**

Both the League of Nations and The United Nations had formerly adopted declaration on the rights of the child and detailed provisions concerning children were incorporated into a number of human rights. The League was mainly conceived during the aftermath of the tragedy and suffering caused by World War-I. The primary goal of the League was “to promote international cooperation and to achieve peace and security” based on open, just and honorable relations between nations. It also aimed to secure fair and humane conditions of work and just treatment of indigenous people by their colonizers. In addition, it had been worked for those children who were victimized of exploitation, prostitution, child labour, armed conflict and deficient health care during war. But unfortunately, it failed to prevent the World War II <sup>[35]</sup>.

#### **Formation of United Nations**

During the midst of the 1940s, the extreme human rights have been abused in war torn Europe during the World War II. Shocking crimes were committed against the humanity and there was total suppression of fundamental human rights. With the rise of Fascism in Germany and Italy and the outbreak of World War II, the question of fundamental rights of man became much more important and loomed

large in many international deliberations and conventions. The violation of human rights was considered as source of international conflict and protection of human rights was regarded as necessary for international peace. This conviction was reflected in the proclamation issued by President Franklin D. Roosevelt on January 6, 1941 which came to be acknowledged as 'Four Freedoms', (freedom of speech, freedom of religion, freedom from want and freedom from fear) <sup>[36]</sup>. After the United Nation's Charter came into force, the most vital duty before the United Nation (UN) was the accomplishment of the doctrines of the respect for human rights and freedom for all without distinction as to race, sex, language, or religion as laid down under Article 55 of the UN Charter. To attain the objectives, the General Assembly on December 10, 1948 through a resolution adopted an 'International Bill of Human Rights' known as 'Universal Declaration of Human Rights (UDHR)'. Among 58 members of the UN, 48 members while voted in support of resolution, none against and eight members abstained to vote and remaining two did not vote. The Charter of the UN Organization in its Preamble declared, "we the peoples of the UN determine to endorse faith in the fundamental human rights, in the dignity and worth of human person along with equal rights both for men and women and of the, Nations large as well as small'.

#### **Universal Declaration of Human Rights (UDHR) 1948**

The Universal Declaration of Human Rights (UDHR) emerged in 1948 as a reaction to the violence and cruelty caused by the Second World War. The UDHR is one of the first international documents based on the idea that rights are guaranteed to each human being equally. It was the initial juncture on which the organized community of nations had made a declaration of human rights and fundamental freedoms <sup>[37]</sup>. On August 14, 1941, Atlantic Charter (an agreement has been signed between Winston Churchill, the PM of Britain and President Franklin Roosevelt of America) emphasized the importance of defending life, liberty, independence, and religious freedoms and preserving human rights and justice at every hand. Thus, the major and concrete step toward formulating the various human rights was taken by UN General Assembly on 10 December, 1948 adopted and proclaimed the Universal Declaration of Human Rights as a widespread object, understanding among them all people, all nations, and every individual and every group in society <sup>[38]</sup>. The UDHR is a pledge for all nations to secure all basic human rights of all human beings without any discrimination of caste, colour, creed, gender etc. Further, the UDHR affirms a common understanding among the peoples of the world as well as concerning the immutable and sacrosanct rights of all members of the human family along with constitutes duty for the members of the international community. Following this remarkable Act, the Assembly called upon all member countries to publicize the text of the Declaration and "to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories <sup>[39]</sup>."

#### **Four Generation of Human Rights**

The rights which we are enjoying today took several years to be recognized and identified. Basically, the doctrine of human rights and its development is always contentious due

to reverse views about definitions and notions, on the one hand, and concerning political connotations and consequences on the other. The concept of human rights can be applied to discrete domains about which there are a plethora of opinions. Keeping in view their historical journey, these rights have been categorized as "First Generation Rights, Second Generation Rights, Third Generation Rights and Fourth Generation Rights".

#### **First Generation of Human Rights**

The first generation of human rights is generally related with individuals against political power and typically, upholds the creativity of human beings. In addition, the political philosophy of broadminded individualism and the economic and social doctrine of laissez-faire, act as a basis of conventional notions of human rights. Therefore, they intend that state's liability lies in guaranteeing the freedom from intrusion of its citizen's basic human rights. The almost exclusive focus on the first generation human rights comprises freedom from torture, degrading treatment, and arbitrary detention; freedom of speech, association and religion is by and large enshrined in the UN Covenant on Civil and Political Rights. These rights are often called as "negative" rights, in that they oblige states to abstain from certain actions that violate human dignity. Further, the appearance of this Generation of Human Rights can be seen from Articles 3 to 21 of the UDHRs by the United Nations and the ICCPRs. The personification of these human rights includes the right to vote, right to assemble and right to property <sup>[40]</sup>.

#### **Second Generation of Human Rights**

The second generation of human rights is not directly possessed by the individuals but constitute affirmative duties upon the government to respect and fulfill them. In the mid of the nineteenth and beginning of the twentieth century, liberal democratic theory of human rights had not been acknowledged by both the socialist as well as the developing nations. In the context of socialist theory, which roots are essentially traced back to Karl Marx, argued against the individualism of traditional human rights theory. Further, Marxism considered that liberal individualist rights have certainly become a tool of the bourgeoisie, by dominating the proletariat class to defend their own class's interests. Therefore, the socialist laid emphasize on the state's role in keenly guaranteeing the economic, social and cultural position of its citizens. Conversely, as for capitalist states, their roles changed from watchman states to welfare states and the notion of human rights transferred from negative rights of defense against state intervention of the first generation to the second generation's positive rights for demanding state welfare. Thus, this generation of human rights favouring various types of social and economic rights such as, right to education, an adequate standard of living, high standards of health and social security which are able to be obtained.

#### **Third Generation of Human Rights**

The third generation of human rights can be acknowledged the so called solidarity rights which cannot only be applied by an individual, but merely collectively or by groups. It covers combined rights such as, right to peace, right to self-determination, right to harmony, right to prosperity, right to healthy environment, clean air and water, right to

development etc. This generation of rights remains the most debated one and is least covered by legal or political means. Thus, the third generation of human rights was properly prescribed by Karl Vasak. During his speech on the occasion of commemorating the thirtieth anniversary of the passing of the UDHRs at UNESCO, he asserted that “the third generation rights are those born to the obvious brotherhood of men and their crucial solidarity, and offer that each person is entitled to a social and international order in which the rights set forth in this Declaration can be fully realized.” The third generation of human rights superseded the scope of national constitutions which is the key point for the distinction between the earlier two generations and the third generation. Finally, the third generation is associated with the political and economic aspirations of developing and newly decolonized countries after World War II, as it includes the collective rights to political self-determination and economic development<sup>[41]</sup>.

#### Fourth Generation of Human Rights

The fourth generation of human rights can be known as the rights of future generations or linked mainly issues of International Justice. Basically, the rights of this generation neither belong to an individual nor to social groups, including nations, in reality, they belong only to humanity as a whole. Beneath the influence of globalization, scientific and technical progress, particularly in the fields of computer science, medicine, genetics, transplantation, the list of new rights is increasing at an alarming rate. Therefore, the right of humanity would treat the common assets of the whole humanity. In addition, this generation's rights are related with 'genetic engineering rights' which are on the doctrinal debate regarding their recognition or prohibition of certain activities. Further, each individual has right to life, dignity, personal identity, intimately connected to its genetic type relationship which it can transmit as genetic heritage to offspring, without being subject to genetic manipulation. Furthermore, studying the human genome, genetic manipulation, and *in vitro* fertilization, experiences with human embryos, euthanasia and eugenics are activities that can produce problematical legal issues, ethical, moral and even religious, reason for which public opinion has led States to deal with regulation of these issues. Thus, life and dignity would be understood as a right over genetic characteristics of a person<sup>[42]</sup>.

#### Concept of Human Rights in India

The concept of Human Rights is as old as Human Civilization because every society has fixed some rights, duties and responsibilities for its members. Thus every individual is entitled to enjoy certain basic rights merely by the worth of being born in the human species which has evolved through its struggle for existence. The word 'rights' though not mentioned in the ancient scriptures. But there are numerous statements, expressions and ideals which refer to them. The Rig-Veda declares that all human beings are equal; Atharveda advocates equal rights to all human beings over natural resources like air, food, and water. Right to Happiness, right to education, right to practice any religion, right to social security, right to get fair treatment and protection etc. have been emphasized in the post Vedic literature. Rig-Veda refers to the three Civil Rights that of TANA (body), SKRIDHI (dwelling place) and JIBHASI (life). During Vedic period, the sense of justice and equality

was prevalent<sup>[43]</sup>. According to the religious philosophical views the basis of human rights is “Dharma” which is vitally concerned with humanity. The word dharma defines and covers the totality of human experiences and existence<sup>[44]</sup>. According to the Rig Veda, “There is no race of human beings” and the validity of different traditions, religions, indeed of paths of Truth has always been respected. The ‘Atharva Veda’ reveals that as the cow protects her new born even at the risk of her own life, similarly, one should enlarge his heart infinitely with compassion for all sensitive beings”.

There is no specific word in Sanskrit which captures the sense of the term right, contextually; the word ‘Dharma’ signifies human right along with the related meanings of morality, duty and justice. It is also interesting to note that a Sanskrit words such as *adhikara*, *adhikrta* etc. which capture the sense of human rights. Long before Hobbes, the Indian Scriptures tell us about the importance of the freedoms of the individual in the State. In Valmiki's Ramayana, Lord Rama counseled Lakshman not to exercise a weapon of war which could devastate the whole humanity including those who did not tolerate arms because such destruction in mass was forbidden. Similarly, in Mahabharata, Arjun observing the laws of war abstained from using Peshupatastra- a hyper destructive weapon because human rights of civilians have to be kept in mind.

The philosophy of human rights had already occupied a significant position in an ancient Indian Society. The surveillance of the ancient Indian jurisprudence demonstrated that it established a duty-based society. Its postulate was not only the duty of individual towards the society but also the duty of rulers towards the individuals and the society. Manu says, “The king should protect and support all his subjects without any discrimination in the same manner as the earth supports all living beings”. The significance of Muslim rule in India from the point of view of human rights was counterproductive to harmony, justice and equality. Islam became the paramount determinant in Indian religion, society and culture after the Muslim during the tenth century A.D. Human rights in Islam mean the rights granted by God. These rights were not given by any King or Legislative Assembly. No one has the right to abrogate or withdraw these rights. In Islam, human rights are concerned with the dignity and prestige of the individual, the level of self-respect that secures personal identity and promotes the human community. Hence, it is not wrong to say that with the existence of Akbar a new epoch began in Mughal History of India in the field of human rights with his policy of universal reconciliation and tolerance. Akbar's great regard for rights, justice and secularism could be cited as an example in this regard<sup>[45]</sup>. The teachings and even history of Sikh religion is the great saga of human rights. The history of Sikhism during the medieval period is the history of human rights violations. Guru Nanak, the first Guru was imprisoned, along with innocent Indian civilians, by Babar, the first Mughal to invade India. He had openly criticized the tyrannical, brutal and despotic activities of the cruel government and the administration of his contemporary times. Further Guru Nanak Dev had sketched the barbaric activities of their officials, who torture the masses. In fact, the Babarbani, written by Guru Nanak Dev is an expression of Human Rights.

The Kings are tigers and their officials are dogs;

They go out and awaken the sleeping people to harass them.  
The public servants inflict wounds with their nails.  
The dogs lick up the blood that is spilled <sup>[46]</sup>.  
However, the acceptance of the principles of natural law eulogized by Sikh religion and knitting the world by one universal thread in the version of tenth Sikh, Guru Gobind Singh i.e.

“Hindu Turk Kuo, Rafiji Imam Safi, Manus Ki JatSabheek hi Pehchanbo”

It represents that one may be Hindu or a Muslim; all human beings belong to one brotherhood of mankind.

Some Indian leaders, being influenced by western education ideas and liberal principles started a movement for Renaissance and Reformation. The Raja Ram Mohan Roy's opposition of polygamy and his advocacy for equal rights of women including the right of widows to marry and right of women to property also came from his belief in the supremacy of reason. Therefore, Raja Ram Mohan can reasonably be regarded as the founding father of human rights moment in modern India. The initiative was taken against the practice of Sati in 1829 by him, and this problem was formally abolished by British Governor General William Bentinck <sup>[47]</sup>. Similarly, Swami Vivekananda was of the view that it was only possible through the implementation of social justice and human rights for establishing the welfare State in true sense so that individuals as well as society can attain all the needed rights and liberties.

In the Austin's words, the Indian sought the some rights and privileges that British masters enjoyed in India and that Britain's had among them in England and sought to finish the inequity of colonial regime <sup>[48]</sup>. To obtain the philosophy of human rights in contemporary wisdom, rigorous efforts were made by the Indian National Congress, which ultimately demanded fundamental human rights in the Constitution of India Bill, 1895. Further, the Indian National Congress in early Bombay session 1918 demanded guarantees of the rights for people of India such as equality before the law, protection in respect of liberty, life and property, freedom of speech and press and the Right of Association along with, included the principles of self-determination as one of the basic rights. Again demand of these basic rights was reiterated in Nehru Committee Report in 1928. The British Cabinet Mission in 1946 recognized the call for a written assurance of fundamental rights in the Constitution of India <sup>[49]</sup>.

The Indian Constitution which came into effect in 1950 incorporated a part on 'Fundamental Rights' of the Citizens. The makers of Indian Constitution were fully aware about the need and necessity of Indians regarding their human rights. Due to the sense of responsibility towards human rights, the Indian Constitution initiated with by mentioning varieties of rights for all Indians in its Preamble. Then, a vibrant and participatory democracy, free press, an independent judiciary and active political parties and civic associations are enjoyed by India. In a country of continental dimensions with diversity of languages, religions etc. social tensions and discord are natural.

### Conclusion

As in general used today, the term human rights envelops the series of those across the world accepted rights and liberties which are vital requirements for the people to enjoy their life with a sense of human dignity. Human rights, in

the visions of the exponents, are regarded as being inherent, inalienable and universal rights. Human rights are *inherent* in the sense that these rights inherent in all human beings exactly since their birth. People enjoy these rights merely by virtue of their human existence. People do not depend on any superior or sovereign authority to be granted these rights to them. *Inalienability* is another paramount feature of the human rights which depicts that these rights cannot be alienated or disaffected by the human beings. People cannot agree to give them up or have them taken away from them. Human rights are *universal* in nature. These are not privileges arranged for some individuals, citizens or groups. Human rights apply on all persons regardless of their group identities.

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