

Human Rights and Ancient India

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Received Nov. 02, 2016

Accepted Nov. 28, 2016

ABSTRACT

Human Right as a word was not framed by ancient Indians but the content of current Human Rights was included in the ancient Indian education pattern in gurukul and ashramas. Ancient India recognized the supreme value of moral education in human life. The ancient thinkers felt that a healthy society was not possible without morally educated individuals. They framed an educational scheme carefully and wisely aiming at the harmonious development of the mind and body. Moral education bound the students and those becoming the adult to run their life according to rules framed and provided by the gurukulas, ashramas and societies.

Key words: *Human Rights, Moral Education, Ancient India, Gurukula and Ashramas.*

Introduction

Human Right as a word is not framed by ancient Indians but the content of current Human Rights was included in the ancient education pattern in gurukul and ashramas. Ancient India recognized the supreme value of moral education in human life. The ancient thinkers felt that a healthy society was not possible without morally educated individuals. Since the days of the Indus Valley Civilization, Indian society and culture has been the product of a synthesis of diverse cultures and religions including nature or moral education that came into contact with the enormous Indian sub continent over a very long stretch of time. Pt. Nehru has quoted in his book that "an unbroken continuity between the most modern and the most ancient phases of Hindu thought extending over three thousand years".¹ 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".² The Buddhist doctrine of non-violence is a humanitarian doctrine par excellence, dating back to the third century b.c.³ 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.⁴ It also says that divinity in humans is represented by the virtues of non-violence, truth, freedom from anger, renunciation, and aversion to fault finding, compassion to living being, freedom from covetousness, gentleness, modesty and steadiness, and the qualities that a good human being ought to have. The historical account of ancient India proves beyond doubt that human rights were as much manifest in the ancient Hindu civilizations as in the Christian civilizations.⁵

Indian Dharmashastra, Epics and Human Rights

Hindu "Dharmasastras" and the "Arthasastras" and other legal patterns of the past have discovered an amazing system, which, regulates the duties of Kings, judges, subjects and judicial as well as legal procedures. The central concept is Dharma, the functional focus of which is social order. The message is "Dharma" as the supreme value, which binds kings and citizens, men and women. Human rights gain meaning only when there is an independent judiciary to enforce rights. Dharmasastras are clear and categorical.⁶ The independence of the judiciary was one of the outstanding features of the Hindu judicial system. Even during the days of Hindu monarchy, the administration of justice always remained separate from the executive. It was, as a rule, independent both in form and spirit. It was the Hindu judicial system that first realized and recognized the importance of the separation of the judiciary from the executive and gave this fundamental principle a practical shape and form. The case of *Ananthapindika v. Jeta* reported in the *vinaya-pitaka*,⁷ is a shining illustration of this principle. According to it, a Prince and a private citizen submitted their cases before the law court and the court decided against the Prince. The Prince accepted the decision as a matter of course and as binding on him. The State was not sacerdotal, nor even paternalistic; even the king was subject to the law, as any other citizen and the 'Divine Right' of kings known to western political science was unknown to India. On the whole, the aim of the ancient Indian State may be said to have been less to introduce an improved social order, than to act in conformity with the established moral order.⁸ Duty is not a tyrant, but a symbol of dignity to

be discharged with affirmative joy. The realization of this vast perspective is assured in the Dharmasastras by the wonderful scheme or co-ordination of conduct adapted to different conditions, status and situations of life. The scope of dharma takes in its vast sweep human rights as well. The individual in ancient India existed as a citizen of the State and in that capacity he had both rights and obligations. These rights and duties have largely been expressed in terms of duties (Dharma) - duties to oneself, to one's family, to other fellowmen, to the society and the world at large. The basis of ancient human rights jurisprudence was Dharma - the ideal of ancient Indian legal theory was the establishment of socio-legal order free from traces of conflicts, exploitations and miseries. Such a law of "Dharma" was a model for the universal legal order⁹. There are many references in the Vedas, which throw light on the existence of human rights in ancient India. The Vedas proclaim liberty of body (Tan), dwelling house (Skridhi), and life (Jibase). In 1367 B.C. Bahmani and Vijayanayar kings are stated to have entered into an agreement for the human treatment of prisoners of war and the sparing of lives of the enemy's unarmed subjects.¹⁰ Human rights have always occupied a place of paramount importance in India's rich legacy because India believed in the principle, "Vashudhaiva-kutumbakam,"¹¹ i.e. welfare of all.

According to Rajadharma, the king was given the power only to enforce the law. Dharmasastras did not confer on or recognize any legislative power in the King. This is the most important distinction between kingship in India and the concept of kingship in the West. But under the kingship as recognized and established under the Dharmasastras, the laws were those laid down by the

Dharmasastras themselves. They did not authorize the king to lay down new laws or amend provisions of the Dharmasastras. On the other hand, Dharmasastras also laid down the laws governing the conduct of the king himself (Rajadharma).¹² Legal literature of the Hindu period owes much to the distinguished law givers of the times as well as to the two epics and the Arthashastra (Kautilya) and Sukranitisara. Kautilya's Arthashastra asserts that in the happiness of the subjects lies the happiness of the king, and what is beneficial to the subjects is his own benefit. Kautilya also disapproved of the theory of royal absolutism and subordinated the king also to the law. Similarly, Shantiparva prescribes that a king may be punished if he does not follow the path of the Dharma. Kautilya, the author of the celebrated political treatise Arthashastra not only affirmed and elaborated the civil and legal rights first formulated by "Manu," but also added a number of economic rights. He categorically ordained that the King should also provide the orphan, the aged, the infirm, the afflicted and the helpless with maintenance. He shall provide subsistence to the helpless, the expectant mothers and the children they give birth to.

In the Post-Vedic period, the rise of Buddhism and Jainism were certainly a reaction against the deterioration of the moral order as against the rights of the privileged class. Life was more human and liberal in the Post-Vedic era. After Buddha, Emperor Ashoka protected and secured the most precious of human rights, particularly the right to equality, fraternity, liberty and happiness. Ashoka successfully established a welfare State and made provisions for securing basic freedoms. Ashoka, the champion of civil liberties, allowed even the forest folk in his

domain to enjoy security of life, peace of mind and enjoy their life on par with other people in the society. Torture and inhuman treatment of prisoners was prohibited under Ashoka's benign dispensation.

Indian Ayurved and Human Right

In the words of Charaka, the earliest Indian medical writer who lived centuries before the Christian era, sickness prevents a person from pursuing his values of life which include satisfying the normal desires and having the usual pleasures of life, acquiring wealth and securing financial comfort, leading a life of virtue and social usefulness. This triad characterizes normal human life. The person who is sick is unable to lead a normal life, pursuing this triad, and to this extent he threatens the society in which he lives and of which he is a part¹³. Values of life are fulfilled only by a healthy person. The physician who restores the health of the person will indeed gift him with the values of life. Four are the gifts praised in the society providing defense for the weak and helpless, feeding the hungry, teaching those who want to learn, and treating the sick; and the best among them is providing health to the sick. The Smriti texts are found to regard the physician in an exceptional light and the usual disabilities and restrictions of caste, status and so on, do not apply to the physician, because what he does no one else in the society can do.

Conclusion

The concept, theories and the evidences show that the ancient Indians were aware with the concepts and contents of human rights. They have made a relation in these rights and duties. From above discussion it is clear that Rights are proportionally related to duties. Rights and duties were incorporated in ancient Indian culture and society through

customs and rituals. Dharma was another aspect by which rights and duties were determined for the king as well as for public. Rights and duties were incorporated in the ancient Indian education systems in gurukulas and ashramas. Motives of the ancient Indian education system were to provide moral education to students so that they would become responsible citizen of the countries or states. By the process the violation of the human rights was reduced to very lesser extent.

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Happiness is not a destination. It is a method of life.

~ Burton Hills