

Vedic Philosophy: The Foundation of Human Rights & Duties Doctrine

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Abstract: The present paper is a historical-analytical study. Hence it has been conducted through historical-observational method. Further solicit-conversation technique has been applied to obtain possibly the most precise and accurate interpretation and information of various sources of Vedic philosophy from the persons eminent and experts in the area. The findings of the paper reveal that there is a general perception prevailing worldwide that doctrine of human rights & duties has been a western phenomenon. It is an evident fact that the concept of human rights & duties has established explicitly in the Vedic thought enshrined in the Vedic scriptures and religious books, incredibly earlier than the western philosophy. The quest for equilibrium, equality, harmony, freedom, knowledge and truth inspired to ancient Indian minds more than their counterparts, the Greeks and Romans. The reflection of Vedic thought of human rights can be well observed even in all modern era's major international and regional covenants and conventions related to human rights. An observation of the Vedic jurisprudence corroborates that the Vedic thought is the pioneer and unique school of thought to observe the inter-relation between rights and duties. Thus it advocates establishing a duty-based society rather than a rights-based society.

Keywords: Vedas, Dharmashastra, Smritis, Religion, Adhikar, Duties.

INTRODUCTION

Most of the Third World countries, freed from the cluster of colonial rule, have the common goals to achieve. All Third World countries desperately need to accelerate the economic development through industrialization. These countries possess the characteristics of multi-ethnicity and multi-religious societies. So the nation-building is another goal which these countries want to achieve. In due course of time, one of the most important as well as pertinent question that has made the process of development all the more difficult is the question of the rights and freedoms of the man vis-à-vis State in these countries. The Third World countries are characterized by their traditional cultural patterns and ethnic social set up. They do not fully share either the intellectual heritage of the West or that of the socialist interpretation of the rights. However, the contemporary nationalist elite, having been influenced by concepts and ideologies of the West, have developed a new kind of approach to the theory and practice of human rights [1].

Third World countries have not typically practiced the natural and individual rights of the liberals or the social and economic rights of the socialists. Heterogeneous character of their societies has compelled them to give emphasis on the group rights or the rights of the minorities. They realize that the enjoyment of the individual rights is vested in providing all rights and privileges to all groups of the society and

especially the minority or marginal groups [1]. In these countries, State is viewed as an organic whole which is not the product of class conflict as propounded by the socialists and not just a necessary evil as viewed by the early liberals. State is an embodiment of different castes, creeds, racial groups and ethnic communities. The government works as the representative or the trustee of the State for promotion, protections and maintenance of the rights and liberties [3].

Third World countries witnessed huge changes as far as the nation-building is concerned amidst all kinds of social upheavals. Due to these continuously changing socio-economic circumstances, the Third World countries in Africa, Asia, Middle East and the Latin America have given priority to the social and economic rights over the civil and political rights. It is the prerequisite for the Third World countries to have solidarity of these two categories of rights, as their ultimate objective is to attain economic development, running parallel with preservation and growth of their diverse religious and cultural heritage [4]. Most of the times, these countries are ambiguous, uncertain and strange while behaving in the field of human rights. Sometimes, they behave in a manner more socialistic than the socialist countries, and on the other occasions become more capitalists than the capitalist countries. It appears that the Third World countries are hanging in between the two worlds—the capitalist and the socialist [5].

Although India, being a Third World country, shares similar perception of human rights which generates from the two mentioned school of thought, i.e., liberal and socialist. But it possesses its own different and unique perception of human rights that emanates from its ancient culture and civilization. The rights of man have been the concern of all civilizations since time immemorial. The historical overview and a deep survey of the history of civilizations of different countries establish it beyond doubt that the people of earlier age were also familiar with human rights. The same has been the case with Indian civilization. The Indian society is warranted by the fact that human rights jurisprudence has always progressed through historical path in smooth manner and never lost its link with the past. The history of Indian civilization shows that the basic rights of human beings were in existence even during ancient period. It is quite evident from the survey of ancient Indian scriptures that human rights jurisprudence has always occupied a place of prime importance in India's rich legacy of historical tradition and culture.

Human Rights during Vedic Period

It is a matter of great national pride for all Indians that the concept of human rights prevailed in its highest stage in the Indian scriptures and religious books[1]. The doctrine of human rights is very old and some references pertaining to human rights can be found in ancient Indian scriptures. In the long history of the Indian civilization, the freedom of thought and speech, freedom of one's own life in the light of one's beliefs, freedom of association and freedom of public debate between the contending philosophical schools were taken to be natural foundations of human relationships. Since ancient period, there is a bulk of literature available on the ideas of rights. The word *Adhikar* was used to convey a similar sense as rights; however, it always had much deeper meaning. From the morphological point of view, the morpheme, "krre" is the stem or the root of the Sanskrit word *adhikar*, which means 'to do' or 'to perform a duty'[2]. Thus the ancient Indian jurisprudence advocates the inter-relation and inter-dependence of rights and duties and totally denies the enjoyment of right without performing duties.

The quest for equilibrium, harmony, knowledge and truth inspired to ancient Indian minds more than their counterparts, the Greeks and Romans. About 5000 years ago, ancient Indian philosophers and thinkers expounded a theory of higher moral law over and above positive law embodying certain values of universal validity like Dharma (Righteousness) *Artha* (Wealth) *Kama* (Desires) and *Moksha* (Salvation), with a view to establish a harmonious social order by striking a balance between inner and outer, spiritual and material aspects of life. The ancient Indian legal philosophers were universalistic, humanistic, rationalists and above all, moralists who evolved a

system of legal theory which was based on higher values and ideals, i.e. on their conception of *Dharma*, which governed in an integrative manner all civil, religious and other actions of men in society, be it king or his subjects. Above all, every aspect of life was regulated by *Dharma*, the supreme law in ancient India.

An observation of the ancient Indian jurisprudence shows that it had 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. The concept of absolutist monarchies had always been rejected by the supremacy of *Dharma* (Law) and spirit. *Dharmashastras* impressed upon the kings to look upon the people as God (*Praja Vishnu*) and serve them with love and reverence. The basic philosophy that for the good of the greater number, the interests of the individuals and the smaller groups should be subordinated and sacrificed to the extent necessary, was deeply embodied in, the foundation of Dharma.

This aspect is evident from the verse in *Udyogaparva* of *Virduraniti* (Ch. 37-17) which reads [8]

Sacrifies the interest of individual for the sake of the family.

Sacrifies the interest of the family, for the sake of the village.

Sacrifies the interest of the village, for the sake of the country.

And lastly for the sake of securing Moksha (eternal bliss) of the

Atma, reject the world.

The ideas of human rights could be found in Vedic Scriptures of Hinduism. The Vedas, the religious works of the ancient Hindus, offered guidance, *inter alia*, on religious and social obligations. The Vedas were written in archaic Sanskrit, important source language of the *Indo-Europeans* language group. Many modern words relating to law and justice are thought to go back to Sanskrit roots as, for example, 'justice', which is traceable through Roman *jus* to the Sanskrit *Vu* meaning 'to join' or alternatively to the Sanskrit *yos*, a word of religious connotation[9]. The charter of equality has been incorporated in the Vedas, the first and the highest authority among the sources of law. In *Rigveda* (5-60-5), the most ancient of the Vedas, equality of all was declared in the following words:[10]

No one is superior or inferior. All should strive for the Interest of all and should progress collectively.

Again in *Atharvaveda*, *samjaanaskuta*, the right of each individual in respect of collective natural resources was declared thus:

“All have equal rights on articles of food and water. The yoke of the chariot of life is placed equally on the shoulders of all. All live together with harmony supporting another like spokes of the chariot connecting its rim and hub.” (Manu IX 311) It further states that the King should protect and support all his subjects without any discrimination in the same manner as the earth supports all living beings[3]. Besides that, the entire concept of welfare state is brilliantly summed up by Kautilya. He says that King’s happiness lies in the happiness of the subject; in the welfare of common masses, lays the welfare of king. Whatever pleases the King himself, shall not consider as good; whatever pleases his subject, the King shall consider as good [12]. This is the eternal *Dharma* beacon light, which shows the right path to the rulers under any set up of the government, to be a welfare state for the welfare of people.

Human Rights in Ramayana and Mahabharata

In Valmiki’s *Ramayana* also, there are certain fundamental human rights enumerated. In *Ramayana* Lord Rama forbade *Lakshman* to use a weapon of war which could destroy entire humanity. The ‘*Shantiparva*’, one of the books of the Indian epic, *Mahabharata*, depicts the rules and principles governing the conduct and obligations of the rulers. These can be seen in the discourses of the saga *Bhisma*, in response to King Yudhisthira. *Mahabharata* also highlights the fact that without ethical and moral principles, there is no true happiness and the society cannot hold together. *Bhagvat Gita*, being a part of *Mahabharata* disseminates the preaching to meet the responsibilities and duties of life, always keeping in view the spiritual background of human existence which is the manifestation of an ultimate and the infinite. In other chapter of *Mahabharata*, Arjun observing the laws of war refrained from using *Pashupatastra*, a hyper destruction weapon, because human rights of civilians could be violated by using that dangerously destructive weapon [13].

A period of Hindu law marked by the movement from remembered law to written law is 100-400 A.D. These written laws had come into existence due to the appearance of two pioneer and outstanding law books of the ancient world. These books were- the *Yajnavalkya Smriti* and the *Narada Smriti*. The influence of these books in the field of law can be witnessed from the fact that these two are still authoritative source books of Hindu law, specifying *inter alia*, rules of drafting, pleading, procedure and judicial conduct [14].

Human Rights and Indian Dharma

The concept of *Dharma* has been eternal spring of Hindus’ ethic and has been all-pervading, governing and regulating conduct of human beings. The five *Yamas* – ahimsa (non-violence) truth, non-theft, total self-denial and non-possession and five *Niyamas* –

purity, contentment, penance, study of scriptures and surrender to God were enunciated by great saint Patanjali to attain self-discipline and to establish equilibrium in society, so that all can enjoy the required conditions essential for the holistic development[15]. The foundations of human rights may be established in two different frameworks of perceiving man and world; one is that of the modern Western political thought and philosophy and of law; and the other of *Dharma* and its method that characterizes the saga of Indian civilization. Keeping this in the view, the Western philosophy had its own way of perceiving man, society and their relationship from which it propounded the foundation of human rights. But nevertheless, the Indian philosophy characterizes the foundation in the ancient conception of *Dharma* and *Danda* which regulated the governance of State and its citizens. The concept of *Sanatan Dharma* which laid down these foundations in ancient civilization is more than 2,000 years older than Western Christianity with a central theoretic doctrine. It laid down the foundation of a society in ancient Indian civilization which was based on the moral code, righteousness and responsibilities. It was certainly wider and broader than the concept of religion, as used in Western historiography. It is basically founded on the principle that the detailed rules were laid down for the guidance of the King. It was his duty to uphold the law and he was as much subject to law as any other person. Equality before law and equal protection of law can be noticed from that practice. One of the paramount duties of the King was implementation of the justice according to the law of religious texts, local customs, usages and written codes. This was actually the human rights enforcement mechanism in its rudimentary stage[16].

The king was bound by the *dharmashastra* to decide cases according to rules of *Shastras*. In the absence of a provision in the texts, he should follow the usages. The king was hardly restricted to act according to his own personal wish. There was a notion that such an action on the part of the King causes danger to him and brings ruins to the people. The Hindu conception of kingship was that it would be seen as the arm of *Dharma*, the unchanging law, the upholder of social order and a limb of the social organism [17]. The King had not the right of changing the laws. The *shruti*, the *Smriti*, the *Puranas* and customs or usages were the principal source of law. Three persons, each one of whom knows one of three principal Vedas, a logician; one who knows the *Nirukta*, one who recites the institutes of the sacred law, and three men belonging to the first three order shall constitute a *parishad* (assembly) consisting in all of the least 10 members competent to lay down a new provision of law[18].

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