

Indian Culture and Human Rights

Key words :

Indian Culture, Human value, Dharma, Faith, Indian Constitution.

Indian culture is oldest in world and well known for this kindness and ideals of thoughts, conduct and tradition. Human rights concept is absolutely new derived from democratic movements in modern Urope. Indian Constituton human rights have been incorporated. In this article indian culture is reviewed in respect of human rights. The main theme of this paper is to provide an outlook about the nourishing traits of Indian Culture which is still a powerful resource of human value that creates synergy effect for the entire humanities and three common values as Truthfulness, Peacefulness and Reverence

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The entire world is sheltered under the blue sky and is typically and politically divided by the civilized society in terms of national boundaries causing unequal distribution of natural resources gifted by nature with a wide range of climate. But the need of the people of the entire world, to a great extent, is common. So, the development of a country requires a rigorous planning which generates ample opportunities to absorb the available resources whether it is physical or human. Money, in every age, plays a vital role in increasing the absorbing capacity of an economy particularly when there is a paucity of capital in an economy.

All human beings are the children of All Mighty and born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

The WORLD is essentially a 'Land of DUTY' (Karmabhumi) in contradistinction to Land of Enjoyment (Bhogabhumi). One of the great evil that is afflicting society today is the talk of their rights. The capitalist talk of their rights whereas the labourer on the other hand, of his right to participate in the management and share in the profit, the prince of his divine right to rule, the riots of his to resist it. If all simply insist on rights and no duties, there will be utter confusion and chaos.

If instead of insisting on rights everyone does his duty, there will immediately be the rule of order established among mankind. There is no such thing as the divine right of kings to rule and the humble duty of the riots" to pay respectful obedience to their masters. Whilst it is true that these hereditary inequalities must go as being injurious to the well-being of the society, the unabashed assertion of rights of the hitherto down-trodden millions is equally injurious, if not more so to the same well-being. The latter behaviour is probably calculated of injure the

millions rather than the few claimants of divine rights.

Objective of the study

The main theme of this paper is to provide an outlook about the nourishing traits of Indian Culture which is still a powerful resource of human value that creates synergy effect for the entire humanities and three common values as Truthfulness, Peacefulness and Reverence which if full of human responsibilities to respond prudently and activating people to behave rationally with self and also with others to protect the interest of entire community and to provide an environment of Calm and Peace to live altogether which will create a sense of belongingness amongst the people as they were the members of one family (clq/So dqVqEcde~¼ .In this way, Indian Culture generate human duties on the one hand, and human rights on the other. In the era of globalization, the principles of Indian Culture will prove to be a milestone in establishing the harmonious relations amongst the Sovereign Countries. This paper discusses the two traits of Indian Culture as human duties i.e., Social Security and Freedom of Religion.

What is Human Duty?

At this juncture of discussion, when every person is talking about human rights but nobody talks or even dreams about the human duty? I am recollecting the days of my studentship at primary education level when learnt the duties of human -being through the prayer which was regularly sang in the open space of the school before the start of the class-room teaching. The following prayer was so nicely written that could be sung by all members of the society together irrespective of caste and creeds, religious and race etc.

वह शक्ति हमें दो दया निधे, कर्तव्य मार्ग पर डट जायें ।
पर सेवा पर उपकार में हम, निज जीवन सफल बना जावे ॥
छल, ढ़ेश, दंभ, पाखण्ड, झूठ, अन्याय से निश दिन दूर रहें।

जीवन हो शुद्ध सरल अपना, शुचि प्रेम सुधा रस बरसावें ॥
हो दीन दुःखी निबलों-विकलों के, सेवक बन संताप हरे ।
जो है अटके, भूले-भटके, उनको तारे खुद तर जायें ॥
निज आन-मान मर्यादा का, नित ध्यान रहें, अभिमान रहें ।
जिस मातृभूमि में जन्म लिया उत्थान उसी का कर जायें ॥

On the basis of the aforesaid poetry, the human duty is identified as follows:

1. "O" Kind God blessed me with energy to march on the path to Serve:
2. To live in the attitude of gratitude by serving the society; to attain the objective of coming on the earth.
3. Be always far from indulged in cheating, jealous, ego, liar, unjust
4. Simplicity and purity in life; which prove to be provide happiness to all.
5. Endow with relief to poor and by serving them;
6. To enlightened the people who are out of the track of life
7. Always be attentive and feel proud on his /her dignify and stature
8. To contribute in the progress and development of country where you are blessed to born.

HUMAN DHARMA in Indian Culture (Duty):

A- Social Security as human rights:

Man is a natural animal. Definitely, all individuals do not possess the capacity or resources to lead a happy life. Many people are suffering from poverty, desire of education, income earning capacity, physically disabled, old age disease, and the death of a earning member of the family. But all these fundamental rights is to attain a peaceful life; in spite of scantiness. This fundamental right can be protected by creating a sense of duty on the part of individuals and State.

The 'Shantiparva' (60-7-8) of Maha Bharat in which the duty of an individual to take care of the aforesaid people has been discussed the rule of Dharma as:

अक्रोधः सत्यवचनं सविभागः क्षमा तथा ।

प्रजनः स्वेशु दारेशु षौचमद्रोह एव च ॥
आर्जवं भृत्यभरणं नवैते सार्ववर्णिकाः ।

The meaning of the above passage is: Free from anger, Truthfulness, Sharing on wealth/ money with others, Forgiveness, to intercourse with his own wife for the desire to son/daughter, Purity, Lack of enmity, Free expression of opinion, to nurture the dependents; these are the nine dharma (duty) is applicable to all people irrespective of caste and creeds.

This is probably the best form of social security according to Dharma which is translated as Culture and civilization and in this way; there will be no burden on State. This duty was deep rooted as life values in the form of Selflessness and Sacrifice. Swami Vivekananda also expressed the National Values as:

"The National Ideal of India"s is Sacrifice and Service. It has to be drain in its channel and rest will look after that."

भारत का राष्ट्रीय आदर्श त्याग एवं सेवा है । इसे इसकी वाहिका में प्रवाहित करना है, तथा शेष स्वयं उसका ध्यान रखेंगे। (India and its problem-page 10)

The structure of Indian family is based on "Grihastha Asram" in which there is a creation of duty amongst the income earning member of the family that they will look-after the well-being of non-earning members as the protector of human rights towards the social security. This will reduced the economic burden of exchequers in the list of social security.

The same view was also expressed in the Article 10(1) of the United Nations.

प्राकृतिक तथा मूलभूत समाज के समूह परिवार को यथासंभव संरक्षण एवं सहायता दी जानी चाहिए

The 'Shantiparva' (86-24-26) of Maha Bharat again iQuotes that the responsibility to look-after of the helpless people must be given to State:

कृपणानाथवृद्धानां विधवानां च योशिताम् ।
योगक्षेमं च वृत्तिं च नित्यमेव प्रकल्पयेत् ॥
आश्रमेशु यथाकालं चैलभाजनभोजनम् ।
सदैवोपहरेद् राजा सत्कृत्याक्यर्च्य मान्य च ॥

आत्मानं सर्वकार्याणि तापसे राष्ट्रमेव च ।
निवेदयेत् प्रयत्नेन तिष्ठते प्रप्रष्य सर्वदा ॥

त्रैलोक्यनाथो हरिः

The meaning of the above passage is as:

The well-being and livelihood of the poor, orphan, aged old, and widows should be always be given priority. It is the duty of the king to provide cloths, utensils and foods with due respect to the people of his kingdom who are living in the Ashram. The king must always sit before the Saint in the attitude of the gratitude and must surrender himself, all his work and the nation with all efforts.

These types of provisions are also made in the Article 22 of Human Rights.

'Right to social security and the right to realization of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.'

“समाज के एक सदस्य के रूप में प्रत्येक व्यक्ति को सामाजिक सुरक्षा का अधिकार है और प्रत्येक व्यक्ति को अपने व्यक्तित्व के उस स्वतंत्र विकास तथा गौरव के लिए जो राष्ट्रीय प्रयत्न या अन्तर्राष्ट्रीय सहयोग तथा प्रत्येक राज्य के संगठन एवं साधनों के अनुकूल हो, अनिवार्यतः आवश्यक आर्थिक, सामाजिक और सांस्कृतिक अधिकारों की प्राप्ति का हक है ।”

B- Duty of human being Freedom of religion:

Although all of us believe that 'God' is one and because of this liberal view, we worship 'God' with different name. It depends upon the individual desires, desire to choose and the needs of people. Because of this, the number of 'God' has been increased tremendously with the pious intension that God is one. Perhaps, this is the specialty of our Culture and world civilization. This approach is based on the following poetry:

यं श्रौवा समुपासते शिव इति
ब्रह्मेति वेदातिनो
बौद्धा बुद्ध इति प्रमाणपटवः कर्तेति
नैयायिकाः
अर्हन्नित्यथ जैनशासनरताः कर्मेति
मीमांसकाः
सोखयं नो विदधातु वाच्छिकलं

The above poetry can be read as 'GOD' to whom Shaiv worship as 'Shiv', Vedanty as 'Brahma'; Bauddha as 'Budh'; Philosopher as 'Karta'; Jain's as 'Arahat'; and Critic as 'Karma'; fulfills the desires of all.

Likewise, Muslim worship as 'Allah'; Christian as 'Lord' or 'Father'; and others worship as their own desires name. 'GOD is one' indicates that every member of Sovereign India has freedom to worship God as their desired name. No one can compel anybody to abide by a specific way of worship. In our country like India, all sections of the society respect the religion of each others. These fundamental human rights is protected and saved by the 'Raj Dharma' in which the State will have to fulfill his duty to protect the interest of all section of the society without any biases.

पाशण्डनैगम श्रेणीपूगव्रातगणादिशु ।

संरक्षेत्समयं राजा दुर्गे जनपदे तथा ॥

(धर्म कोश पेज. 870)

The above approach indicates that the king will protect and provide security to those who worship Vedas and not worship Vedas and shows the freedom of respect and thought and it is recognized as fundamental human rights.

Likewise, the rights of each class of the society is identified whether he belongs to any group of religion or anybody is doing any kind of business or constitutes any kind of organization . This is verifiable by the following poetry:

नना पौरसमूहस्तु नैगमः परिकीर्तितः ।

नना युधधरा व्राताः समवेताः प्रकीर्तिताः ॥

स्मूहो वणिजादीनां पूगः संपरिकीर्तिता ।

प्रव्रज्यावसिता ये तु पाशण्डाः परिकीर्तिता ॥

ब्राह्ममण्णां समूहस्तु गणः संपरिकीर्तिता ।

शिल्पोपजीविनो ये तु शिल्पिनः ॥

In ancient India, all the above group of people lived their life respectfully. It was expected by the king that he will not only give top priority to these groups or associations but also take advice

from that groups in respect of administrative matters.

समूहकार्य आयातान्कृतकार्यान् ।

स दान मानसत्कारैः पूजायित्वा महीपतिः ॥

(याज्ञवल्क्य . पेज. 189)

The above poetry tells that at first, the king must be physically present with reference to objectives of the groups and before the end of the meeting, the king must pay due respect to all with words in addition to some gifts. It was expected by the king that he would listen the representatives of the groups and king can advice with patiently and gratuitously.

The above rights are included in the Article 18 and 20 of the universal declaration of human rights.

Article 18 - 'Right to freedom of thought, conscience and religion.'

“प्रत्येक व्यक्ति को विचार अन्तरात्मा और धर्म की आजादी का अधिकार है । इस अधिकार के अन्तर्गत अपना धर्म या विश्वास बदलने और अकेले या दूसरों के साथ मिलकर तथा सार्वजनिक रूप से अथवा निजी तौर पर अपने धर्म या विश्वास का शिक्षा, क्रिया उपासना तथा व्यवहार के द्वारा प्रकट करने की स्वतंत्रता है ।”

Article 20- 'Right to freedom of peaceful assembly and association.'

(1) “ प्रत्येक व्यक्ति को शान्तिपूर्ण सभा करने या समिति बनाने की स्वतंत्रता का अधिकार है।”

(2) “किसी को भी किसी संस्था का सदस्य बनने के लिए मजबूर नहीं किया जा सकता ।”

All these above principles acted as the guide to all Hindu kings. That is why, the history of ancient India is continued for a long period and it is uncontaminated. As a result, the means of worship was never dominated the Indian Politics. That is why; it is incorporated in our Constitution as fundamental rights.

Article 25 'Right of living adequate for the health and well-being of himself and his family.'

“अन्तःकरण की स्वतंत्रता तथा धर्म को अबाध मानने आचरण एवं प्रचार की स्वतंत्रता”

“सार्वजनिक व्यवस्था सदाचार और स्वास्थ्य तथा इस

भाग के दूसरे उपबन्धों के अधीन रहते हुए सभी व्यक्तियों को अन्तःकरण की स्वतंत्रता तथा धर्म के अबाधरूप से मानने आचरण करने और प्रचार करने का अधिकार।”

In this way, the importance to secular, view has been given in Constitution of India, which was not only dressed but also generally accepted by the people of Republic India. The preamble of the Constitution of India has been drafted as per the Ancient Indian values and the Universal Declaration of Human Rights:

“WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a [SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC] and to secure to all its citizens:

JUSTICE Social, Economic and Political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity; and to promote among them all;

FRATERNITY assuring the dignity of the individual and [the unity and integrity of the Nation];

IN OUR CONSTITUENT ASSEMBLY this 26th day of November 1949, do hereby adopt, enact and give to ourselves this constitution.'"

“हम भारत के लोग, भारत को एक सम्पूर्ण प्रभुत्वसम्पन्न समाजवादी, पंथनिरपेक्ष, लोकतन्त्रात्मक गणराज्य बनाने तथा उसके समस्त नागरिकों को सामाजिक, आर्थिक और राजनैतिक न्याय विचार, अभिव्यक्ति, विश्वास, धर्म और उपासना की स्वतंत्रता, प्रतिष्ठा और अवसर की समता प्राप्त करने के लिए तथा उन सबमें व्यक्ति की गरिमा और राष्ट्र की एकता और अखण्डता सुनिश्चित करने वाली बन्धुता बढ़ाने के लिए दृढ़ संकल्प होकर अपनी इस संविधान को अंगीकृत और आत्मार्पित करते हैं।”

Constitution of India:

A- Fundament duties of Every Citizen:

Article 51(A) of Constitution of India describes fundament duty of every Citizen of India as follows:

a. to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;

b. to cherish and follow the noble ideals which inspired our national struggle for freedom;

c. to uphold and protect the sovereignty, unity and integrity of India;

- d.** to defend the country and render national service when called upon to do so;
- e.** to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
- f.** to value and preserve the rich heritage of our composite culture;
- g.** to protect and improve the natural environment including forests, lakes, rivers and wild-life and have compassion for living creatures;
- h.** to develop the scientific temper, humanism and the spirit of inquiry and reform;
- i.** to safeguard public property and to abjure violence;
- j.** to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.
- k.** Who is a parent or guardian to provide opportunities for education to his child or , as the case may be, ward between the age of six and fourteen years.

2-Fundamental Human Rights

1. Right to Equality;
2. Right to Freedom;
3. Right against Exploitation;
4. Right to Freedom of Religion;
5. Cultural and Educational Rights;

What is human right?

Human rights are those fundamental and inalienable rights which are essential for the life as human being.

Human rights are rights inherent to all human being, whatever our nationality, place of residence, sex, national or ethnic, origin, colour, religious, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible. Human rights are conceived as universal and egalitarian, with all people having equal rights by virtue of being human. These rights may exist as natural rights or

as legal rights, in both national and international law.

Universal human rights are often expressed and guaranteed by law, in the norms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote human rights and fundamental freedoms of individuals or groups.

Human rights entail both rights and obligations. States assume obligations and duties under international law to respect, to protect and to fulfill human rights. The obligation to respect means that States must refrain from interfering with or curtailing the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against human rights abuses. The obligation to fulfill means that States must take positive action to facilitate the enjoyment of basic human rights. At the individual level, while we are entitled out human rights. We should also respect the human rights of others.

Classification of Human Rights:

A. Moral Rights: The following rights are addressed primarily to Governments, requiring compliance and enforcement.

1. Right to freedom of religion;
2. Right to a fair trial when charged with a crime;
3. Right not to be tortured;
4. Right to engage in political activity.

B. Specific Rights:

1. Security rights- that protect people against crimes such as murder, massacre, torture, and rape;
2. Due process rights- that protect against abuses of the legal system such as imprisonment without trial, secret trials, and excessive punishments;