

# INDIAN CULTURE AND PROTECTION OF HUMAN RIGHTS: AN ANALYSIS OF THE VEDIC LITERATURE

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*Abstract*—This manuscript analyses the historical sources and forms of human rights in the Vedic traditions and identifies key concerns about the inter-sections of the Vedic civilizations and human rights in recent contexts. This manuscript examines the basics of human rights from the Vedic perspective. It analyses the ancient Vedic texts with respect to the vital aspects of human rights and how the Vedic thoughts on human duties can contribute to the advancement and promotion of human rights. The manuscript concludes that the Vedic text offers a theory for human rights and an examination of it makes it clear that this basis of rights reflects Indian civilization and culture.

**Keywords:** Dharma, Human Duties, Human Rights, Religion, Vedic Literature

## I. INTRODUCTION

The concept of human rights as we understand it today in the national and international legal framework is the result of thousands of years of human struggle for the protection of dignity of human being. The discourse on human rights has been influenced by several factors such as

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religious traditions, national laws and philosophical writings. In the current literature on this subject in the West, we can have four (04) foundations of human rights. These are ethical, legal, moral and religious in nature.

Jeremy Bentham and especially his successor, John Stuart Mill, are responsible for the ethical theory of human rights.<sup>1</sup> Human Rights according to the legal view are legal entities – nothing more and nothing less.<sup>2</sup> Human rights are viewed morally in the sense that they originate as legal units from a moral vision of the world of which they are the legal manifestation.<sup>3</sup> Human rights, according to the religious perspective, are derived from the world's diverse religious traditions.<sup>4</sup>

Before the dawn of modernity, religion was the driving force of political philosophy and therefore had a major influence on the development of human rights. While the exact term “Human Rights” may not be found in most religious texts, the term underlying human rights has been debated in religious traditions around the world.<sup>5</sup> The idea of the inherent worth of human life and dignity can be traced back to religious scriptures. While the rights of the individual are sufficiently emphasized, religious teaching particularly focuses on the idea of duties. Hence, there is a world of difference between the religious conception of human rights and the understanding of human rights in the modern world.

## II. THE RELIGIOUS ACCOUNT OF HUMAN RIGHTS

While the high standards of universal human rights in modern times were set during the Renaissance period, there is no doubt that some aspects of human rights were revered by virtually all the leading cultures.<sup>6</sup> In archaic West, following the Neo-Sumerian Code of Ur-Nammu (2050 BC), the Mesopotamian Empire issued the Code of Hammurabi (1780 BC),<sup>7</sup> which set out the rules and punishments if those rules were broken, on a wider variety of human rights, including women's rights, men's rights, children's rights

<sup>1</sup> Louis P. Pojman, *Ethical Theory: Classical and Contemporary Readings* (1995).

<sup>2</sup> M. Craven, “Legal Differentiation and the Concept of the Human Rights Treaty in International Law,” 11 “EUROPEAN JOURNAL OF INTERNATIONAL LAW” 489–519 (2000).

<sup>3</sup> Romuald R. Haule, “Some Reflections on the Foundation of Human Rights — Are Human Rights an Alternative to Moral Values?,” 10 Max Planck Yearbook of United Nations Law 367–395 (2006).

<sup>4</sup> Jordan Kiper, “Do Human Rights Have Religious Foundations?,” 7 Religion & Human Rights 109–131 (2012).

<sup>5</sup> Leonard Swidler, *Religious Liberty and Human Rights: In Nations and in Religions* (1986).

<sup>6</sup> Renaissance and Early Modern Philosophy. <<https://www.utm.edu/staff/jfieser/class/110/6-renaissance.htm>>. (Accessed on 27 December 2021).

<sup>7</sup> The king of Babylon-Hammurabi is credited to have given the earliest framework of laws. The unique feature of the code was that it was carved out in stone and kept in public view. While many portions of the code would be regarded as barbaric today, many aspects of the code laid down the basic human rights principles.

and slaves' rights. Importantly, both the Code of Ur-Nammu and the Code of Hammurabi<sup>8</sup> arranged their laws in casuistic form of IF (crime) THEN (punishment), a pattern followed in nearly all later codes, including those written and used by the Greek and Roman Empires.<sup>9</sup> Likewise, in the early poleis of ancient Greece, one could follow the concept of democracy, in which all people were free to verbalize and vote in political assemblies.<sup>10</sup>

It is also evident that all of the world's major religions seek in one way or another to speak to others on the issue of human rights and responsibility.<sup>11</sup> The principle of Islam implies that every person should be viewed as equal and included as a part of the whole without exclusion.<sup>12</sup> The key terms used by the Quran and the Sunnah in this context are *huquq Allah* and *huquq al-'ibad*, the rights due towards the Creator and the sustainer and the rights of Allah's servants, that is the human beings.<sup>13</sup> The Constitution of Medina drafted by Prophet Muhammad in 622 AD led to Islamic social reforms in areas such as social security, family structure, slavery and the rights of women and ethnic minorities.<sup>14</sup> Buddhism is rooted in the concept of religious freedom and respect for human rights. The ultimate reason for respect of all religions is also found in the Talmudic writings of Judaism. Judaism teaches the infinite value of every single life. Confucianism request on, "don't force on someone, something you don't do yourself." The Christian understanding of human rights is also based on the conviction that human life is entirely a function of the value given to human beings by God through Christ. It negates the existence of any social difference and enforces the idea of universal equality that is the basis of modern international human rights. The fact that the Judeo-Christian tradition recognizes the idea of the creation of man in the image of God strengthens the principle of absolute freedom and grace, which are the universal principles of human rights.<sup>15</sup> Hinduism, emphasis on non-violence, consistency of obligation, compassion for the poor and the disabled, which represent elements of human rights inherent in the religious texts of all the major religions of the world. All these visions express the ideals of the best human relationships rather than

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<sup>8</sup> Horne, Charles F., "The Code of Hammurabi: An Introduction" The Avalon Project, Yale Law School (1915).

<sup>9</sup> Bryan S. Turner, "The Short History of Human Rights," 40 *Contemporary Sociology* 678–680 (2011).

<sup>10</sup> Dinah L. Shelton, "An Introduction to the History of International Human Rights Law," SSRN Journal (2007), <<http://www.ssrn.com/abstract=1010489>>. (Accessed on 27 December 2021).

<sup>11</sup> Paul Gordon Lauren, *The Evolution of International Human Rights* (3rd edn. 2011), <<http://www.jstor.org/stable/j.ctt46nqdn>>. (Accessed on 1 January 2022).

<sup>12</sup> Hardy, R. (1999). (Review of Islam, Liberalism and Human Rights, by K. Dalacoura). *International Affairs* (Royal Institute of International Affairs 1944-), 75(3), 670–671. <<http://www.jstor.org/stable/2623661>> (Accessed on 27 January 2022).

<sup>13</sup> Muhammad Zafrulla Khan, *Islam and Human Rights* (2016).

<sup>14</sup> Turner, *supra* note 9.

<sup>15</sup> John Witte & Justin J. Latterell, "Christianity and Human Rights: Past Contributions and Future Challenges," 30 *J. Law Relig.* 353–385 (2015).

reality and seem to establish a shared sense of responsibility towards all of humanity.

### III. THE THEME OF THE PAPER

The Vedic society was primarily a duty-based society and most of the rights that resonate in the Vedic literature are mostly abstract. This essay will attempt to decipher the abstract rights hidden in the Vedic literature in order to understand the notions and philosophy of Vedic people regarding human rights. It is of paramount importance in that the Vedic people formed a society that produced the first known literature of mankind called “Vedic Literature.”

The Universal Declaration of Human Rights (UDHR),<sup>16</sup> affirming the dignity and rights of all people is consistent with the dignity, obligations and rights mentioned in the Vedic literature. There are hymns in the Vedic literature that coincide with the Universal Declaration of Human Rights (UDHR) and therefore the concept of human rights seems indirectly ostensible, ubiquitous and acceptable in the Vedic society.

The main question, however, is not so much whether the Vedic literature mentions certain human rights but whether the conception of human rights finds philosophical justification within the limits of the Vedic vision of individual or social good. The manuscript will endeavour to examine the philosophical rationale of the concept of human rights within the vision of the Vedic literature.

### IV. AN EXAMINATION OF HUMAN RIGHTS LITERATURE

The basic principle of natural law in terms of ethics says that man must do good and avoid evil.<sup>17</sup> Many thinkers share the view that human rights, like natural law, are ethical rather than legal. Human rights can be seen as their legal representation. There are several characteristics of natural law that are expressed in concepts of human rights: (1) The law is linked to justice, reason, human nature and ethics; (2) Rules of human behaviour proceed from a supreme authority, which in some ideas is God and are binding on all people everywhere; (3) Nature is an order of things; (4) It calls for equality for all men. All of these features found their expression in the fundamental document of human rights, the Universal Declaration of Human Rights (UDHR). The

<sup>16</sup> The Universal Declaration of Human Rights differs from all other international human rights instruments primarily in one respect: its influence was not intended to remain confined within one particular culture or one civilization, but rather it was envisaged as a universal set of principles and values to guide and govern all human coexistence.

<sup>17</sup> Vivian Boland, “Truth, Knowledge and Communication: Thomas Aquinas on the Mystery of Teaching,” 19 *Studies in Christian Ethics* 287–304 (2006).

concept of human rights can be treated as a further development of the older concept of natural law and the natural rights common to all of humanity. There is therefore a close connection between the concepts of natural law that have existed in European culture since antiquity and the modern concept of human rights.

In the 17<sup>th</sup> century, John Locke defined Natural Rights as the right to life, liberty and property. A century later, Thomas Jefferson defined Natural Rights as the right to life, liberty and pursuit of happiness.<sup>18</sup> Natural law theorists regard rights as natural and inalienable and defended many concrete rights, such as the right to property,<sup>19</sup> the right to freedom,<sup>20</sup> the right to life,<sup>21</sup> the right of self-preservation.<sup>22</sup>

There are different views on the relationship between rights and duties. The majority of Western Philosophers believe that right precedes obligation,<sup>23</sup> while some others, the majority of whom are from the East, prioritize obligations over rights and for the rest, rights and duties are two sides of the same coin.<sup>24</sup>

Human rights differ from other rights in the sense that they are an incipient type of right that serves extremely rudimentary interests.<sup>25</sup> In order to understand the principles of human rights, it is also necessary to understand human rights literature. Human rights literature as a philosophical concept deals explicitly or implicitly with human rights and leads its followers to consider human rights and to advocate their protection. According to Sartre, “human rights literature” is fixated on the concept of “engaged literature.”<sup>26</sup> Nussbaum maintains that social compassion is a sufficient condition for equal treatment in court, and that since many judges lack meaningful evidence about the people they are judging, literature is a tool of exhortation.<sup>27</sup>

<sup>18</sup> Andrew Heywood, *Political Theory: An Introduction* (3rd edn. 2004).

<sup>19</sup> Locke, J. (1884). *Two Treatises on Civil Government*, London: George Routledge and Sons.

<sup>20</sup> H.L.A. Hart, “Are There Any Natural Rights?”, 64 *The Philosophical Review* 175–191 (1955).

<sup>21</sup> H. J. McCloskey, “The Right to Life,” Vol. LXXXIV *Mind* 403–425 (1975).

<sup>22</sup> Thomas Hobbes, *Hobbes: Leviathan: Revised Student Edition* (Richard Tuck ed., 1996), <<https://www.cambridge.org/core/books/hobbes-leviathan/A25B89A5632E978BA9DC74930D78EC33>>. (Accessed on 27 December 2021).

<sup>23</sup> John Plamenatz, W.D. Lamont & H.B. Acton, “Rights,” 24 *Aristotelian Society Supplementary Volume* 75–110 (1950).

<sup>24</sup> Alison Dundes Renteln, “The Concept of Human Rights,” 83 *Anthropos* 343–364 (1988).

<sup>25</sup> William A. Edmundson, *An Introduction to Rights* (2nd edn. 2012), <<https://www.cambridge.org/core/books/an-introduction-to-rights/BE3D80A119E54A77C9D619BAF2012438>>.

<sup>26</sup> Thomas R. Flynn, “Sartre, Foucault and the Critique of (Dialectical) Reason,” 16 *Sartre Studies International* 17–35 (2010).

<sup>27</sup> Martha C. Nussbaum, *Not for Profit: Why Democracy Needs the Humanities* (2010).

## V. DUTY BASED SOCIETY: THE UNIQUE INDIAN CULTURE

The two terms ‘rights’ and ‘duties’ co-exist with each other. That rights and duties are two sides of the same coin that regulate the values and behavioural patterns of an individual. On one side, rights are important for the development of human personality and behaviour. The duties, however, guide the individual’s importance of contribution for the promotion of social well-being.<sup>28</sup> In a sense, duty is aimed at realizing the rights guaranteed by various laws and regulations nationally and internationally. The same philosophy applies to states in order to fulfil their duties to their citizens.

The increasing number of violations of states in the protection of individual rights<sup>29</sup> across the world has led the United Nations and other organs of the world community, including the civil societies, to focus more on the duties than on the rights today. According to Professor Harold J. Laski, every right of an individual automatically imposes a duty on others.<sup>30</sup> Duty as a term plays a role in all areas of law. Because every law gives the people a right, therefore every right granted by the law is assigned a duty with a number of limited exceptions like, child rights or animal rights.

The unique method developed by the great Indian thinkers who shaped the civilization and culture of India was to secure rights for every individual by instilling a corresponding duty within us. This was due to their conviction that the sense of right always starts from ‘selfishness’, while the sense of duty always starts from ‘selflessness’. As a result, all rights that evolved and became cultural values in India were based on each individual’s duties to others. As a result, instead of creating a right-based society, Indian philosophers preferred to create a duty-based society in which the right of the individual is the right to perform his duty. Mahatma Gandhi, who embodied all human values developed in India, praised this idealism by saying that India is essentially ‘Karmabhumi’, (the land of duty), as opposed to ‘Bhogabhumi’ (the land of enjoyment).<sup>31</sup>

It must be noted here that the eminent Western jurist, Leon Duguit, put forward the same theory, namely that establishing a duty-based society is

<sup>28</sup> Henry T. Terry, “The Correspondence of Duties and Rights” *The Yale Law Journal* Vol. 25, No. 3 (January 1916), pp. 171-193. <<http://www.jstor.org/stable/786397>> (Accessed on 27 December 2021).

<sup>29</sup> Arthur L. Colbin, “Rights and Duties” (1924) Yale Law School. <[http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=3968&context=fss\\_papers](http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=3968&context=fss_papers)>. (Accessed on 27 December 2021).

<sup>30</sup> Henry T. Terry, “Legal Duties and Rights” *Yale LJ*. <[http://www.jstor.org/stable/781938?seq=1#page\\_scan\\_tab\\_contents](http://www.jstor.org/stable/781938?seq=1#page_scan_tab_contents)>. (Accessed on 27 January 2022).

<sup>31</sup> Surinder S. Jodhka, “Nation and Village: Images of Rural India in Gandhi, Nehru and Ambedkar,” 37 *Economic and Political Weekly* 3343–3353 (2002).

necessary for human peace and happiness. At the heart of the law is duty to ensure that everyone does their part to promote “Social Solidarity.”<sup>32</sup> The only right everyone can have is the right to always perform their duty. Joseph Raz noted that the main difference between power conferring and duty-imposing rights lies in their different functions. While the purpose of a law imposing an obligation is to give its subordinates a new reason to act in accordance with it, the purpose of an authorizing law is to enable persons to determine, within limits, what the law is or requires.<sup>33</sup> In the latter case, the law attaches legal consequences to certain acts because “it is desirable to enable people to affect norms and their application in such a way if they desire to do so for this purpose.” According to HLA Hart, the purpose of a duty-imposing rule is to require individuals “to do or abstain from certain actions, whether they wish to or not,” while the function of a power-conferring rule is, in Raz’s words, “to provide individuals with facilities for realizing their wishes.”<sup>34</sup>

An even more fundamental foundation has been given to good faith in natural law, which extends the narrow, pragmatic rule, also known as “*Pacta Sunt Servanda*”, according to which promises and agreements must be kept. Cicero, in his treatise on duties, attributes such power to ‘promises’ that he describes “good faith” as the basis of justice.<sup>35</sup>

The law of Contract is based on the principle of good faith, which also obliges the parties not to act contrary to good faith. An inherent sense of duty is also inherent in the law of Torts. In the case of an employer, there is no doubt that regardless of any contractual obligation to his employer, the employer has an obligation to ensure the safety of his employees appropriately. In various legal systems, the right to life gives rise to positive obligations that the state must fulfill to protect life.

In *Osman v. United Kingdom*,<sup>36</sup> the Court of Law developed the right to life into a far-reaching general duty that removes the exclusion rule in the United Kingdom that prevents the police from being held liable for negligence claims for failure to investigate the crime. According to the European Commission of Human Rights (ECHR), a state has a fundamental obligation towards the individual to protect the right to life. The General Assembly Declaration on the Elimination of Violence Against Women (DEVW) establishes a “due diligence”

<sup>32</sup> W.Y. Elliott, “The Metaphysics of Duguit’s Pragmatic Conception of Law,” 37 *Political Science Quarterly* 639 (1922).

<sup>33</sup> W.J. Norman, “The Autonomy-Based Liberalism of Joseph Raz”, 2 *Canadian Journal of Law & Jurisprudence* 151–162 (1989).

<sup>34</sup> See *Commercial Contract Law: Transatlantic Perspectives* edited by Larry A. DiMatteo, <<https://books.google.co.in/books?id=URyMPB1rvH4C&pg=PA27&lpg=PA27&dq>>. (Accessed on 27 January 2022).

<sup>35</sup> Fernando H. Llano Alonso, “Cicero and Natural Law”, 98 *ARSP: Archiv für Rechts- und Sozialphilosophie / Archives for Philosophy of Law and Social Philosophy* 157–168 (2012).

<sup>36</sup> [1998] *EHRH* 101.

standard and calls on states to use all appropriate means to eliminate violence against women, including exercising due diligence to prevent, investigate and punish acts of violence against women, whether perpetrated by the state or by private individuals, in accordance with the law.<sup>37</sup>

India has continuously adopted such principles to protect women from various judgments and laws. This places a duty on the state and also on the people to prevent such illegal acts and also to act positively to ensure that these rights are enforced.

## VI. CONTRIBUTIONS OF THE VEDIC LITERATURE TO THE DEVELOPMENT OF HUMAN RIGHTS

Indian civilization has been a duty-oriented, inward-looking civilization throughout history. The focus has always been on the individual's duties and not on his/her rights. This was also an important reason for cultivating a culture of responsibility. The Indian welfare state worked on a welfare model in which the subjects of the state did not require the proper conduct of welfare activities out of their own rights, but the state or the king was obliged to check this and carry out these activities within the scope of its responsibilities.

In *Maneka Gandhi v. Union of India*<sup>38</sup> this aspect was pointed out by the Supreme Court that “these fundamental rights represent the basic values cherished by the people of this country since the Vedic times and they are calculated to protect the dignity of the individual and create conditions in which every human being can develop his personality to the fullest extent.” It is the universal ‘Dharma’ thought that led to the formation of a duty-oriented welfare state.

The influence of Dharma on the Indian legal system can be seen prima facie from the logo of Supreme Court of India inscribing the words “Yato Dharma Tato Jaya” which means “where there is Dharma, there is victory” from the Bhagvad Gita. Dharma means justice and the national emblem and currency notes in India have “Satyamev Jayate” and “Ashoka Chakra” inspired from the Ashokan pillar at Sarnath in Varanasi. It is a matter of great relevance that the Supreme Court has maintained its secular character despite implementing the principles of ‘Dharmashastras’ and religious texts.

The concept of Dharma has been succinctly described by Justice K. Ramaswamy in *A.S. Narayana Deekshitulu v. State of A.P.*<sup>39</sup> as follows, “Word

<sup>37</sup> OHCHR | “Declaration on the Elimination of Violence against Women”, <<https://www.ohchr.org/en/professionalinterest/pages/violenceagainstwomen.aspx>>. (Accessed on 29 December 2021).

<sup>38</sup> (1978) 1 SCC 248; AIR 1978 SC 597; (1978) 2 SCR 621.

<sup>39</sup> *A.S. Narayana Deekshitulu v. State of A.P.*, (1996) 9 SCC 548; AIR 1996 SC 1765.



‘Dharma’ denotes, upholding, supporting, nourishing that which upholds, nourishes or supports the stability of the society, maintaining social order and general well-being and progress of mankind; whatever conduces to the fulfilment of these objects is Dharma. It is Hindu Dharma.”

The term ‘Misery’ can be divided into two categories, the first is beyond human control and is caused by natural disaster or acts of God and is known as Vis Major in the law. People have to suffer them because they are inevitable and thereby are not considered human rights violations. The second type encompasses a variety of sufferings caused by humans, such as their inhuman behaviour towards others and actions that destroy the happiness of their victims. How to avoid man-made misery has always been an important consideration for all right-thinking people. After a thorough study of human nature, an attempt was made in India to find a solution to the eternal problem of mankind. The concept of ‘Dharma’ was developed to ensure that everyone, without exception, has the right to happiness.<sup>40</sup>

According to a verse of Rigveda “Bahujana Hitaya, Bahujana Sukhaya” which is a Sanskrit shloka meaning thereby “For the benefit of many and for the happiness of many.” This concept really refers to the concept of “Utilitarian Theory” as propounded by Jeremy Bentham that explains “greatest happiness of greatest number.” In the judgment *Ziyauddin Burhanuddin Bukhari v. Brijmohan Ramdass Mehra*<sup>41</sup> the apex court held secularism in the realm of philosophy in utilitarian terms. The idea that in order to bring happiness to a greater number, misfortune or misery could be inflicted on a smaller number has never been accepted in Indian culture and civilization. Instead, everyone’s right to happiness was established as an ideal.

Hence, the “maximum benefit to maximum number” principle of the modern economic thought was never accepted by the ancient Indian seers, “total good of all beings” has been the ideal of life in the Vedic tradition.

## VII. LIBERTY, EQUALITY AND FRATERNITY

The world came up with the high ideals of liberty, freedom, and fraternity, during the French Revolution.<sup>42</sup> These three principles of liberty, equality, and fraternity are enshrined in almost every democratic constitution in the world. The Universal Declaration of Human Rights (UDHR) was adopted by the United Nations on December 10, 1948, and asserts that all human beings are born free and equal in dignity and rights. It also reiterates that as human

<sup>40</sup> “Back Matter”, 30 *Journal of the Indian Law Institute* (1988), <<http://www.jstor.org/stable/43952303>> (last visited January 1, 2022).

<sup>41</sup> (1976) 2 SCC 17: 1975 SCR 453.

<sup>42</sup> Liberty, Equality, Fraternity: Past, Present, Future, <<https://www.ime.usp.br/~vwsetzer/liberty-equality-fraternity.html>>. (Accessed on 29 December 2021).

beings are gifted with reasons and conscience therefore they should behave in a brotherly manner.

The Vedas constituted the primordial source of Dharma. The charter of equality (samanta) incorporated in the Rigveda, the most ancient of the Vedas. The Rig Veda refers to three civil rights, by calling for the liberty of Tan (body), Skridhi (dwelling place) and Jibhasi (life). These liberties may be compared to contemporary rights such as the right to physical liberty, food and life.<sup>43</sup> According to Ronald Dworkin's theory of equality, the philosophy of equality has its origins in religious heritage. Dworkin's claim is supported by an examination of the Vedic literature.<sup>44</sup>

Everyone is born equal, according to the Rig Veda, and no one is born superior or inferior. Everyone should strive for progress and share the benefits of happiness. The Rig Veda's concept of equality was extended by the Upanishads, which claimed that all humans are both identical as well as distinct. As a result, the Vedic literature emphasises the inherent dignity and oneness of all the human beings, as well as the need for people to work together in order to promote and spread the means of happiness. The Vedic seers believed that the entire cosmos was one body, and that any organ failure would have an impact on the human body's overall health and safety. All humans should be treated equally because they are considered God's children.

In one of the Shloka, the Rig Veda emphasizes oneness even more and calls for unity in the intentions, emotions and thoughts of all human beings so that they can live together in happiness. The Atharva Veda's Samjnana Sukta, which declares that everyone has the same right to food and drink, exemplifies the egalitarian or equalitarian ideology. The yoke of the chariot of life is balanced on everyone's shoulders. Everyone should live in harmony and strengthen each other like the spokes, rim and hub of a wagon wheel connect.<sup>45</sup>

Another principle valued by the French Revolution is fraternity or brotherhood. However, the definition and description of brotherhood has always been controversial. The fraternity theory is the least discussed and has the least admissible consequence of the three ideals of the French Revolution. Freedom and equality are the ideals that can be achieved through constitutional means. But to achieve fraternity we need more than just constitutional means.

How do you define fraternity? 'Fraternity' means a sense of common brotherhood of all Indians – of Indians being one people, according to Dr.

<sup>43</sup> Yasin, A. & Upadhyay A. (2004), *Human Rights* (p. 56), Akanksha Pub. House.

<sup>44</sup> Ronald Dworkin, "What is Equality? Part 1: Equality of Welfare", 10 *Philosophy & Public Affairs* 185–246 (1981).

<sup>45</sup> Dhananjay Vasudeo Dwivedi, "Thoughts for Right to Equality in Vedic Tradition", *Sanskrit Tri-lingual Journal* 11 (2018).

BR Ambedkar. This idea is what gives social life its unity and solidarity.<sup>46</sup> According to the Advaita Vedanta philosophy, the relationship of universal brotherhood among all human beings is fundamentally justified; no laws are required for this.<sup>47</sup> According to M. Rama Jois, liberty and equality are ideals that can be achieved through constitutional values, but fraternities earn more than constitutional values.<sup>48</sup> In order for people to lead joyful and contented lives, unity in determination, spirit, and understanding is essential.

The Maha Upanisad, another important Vedic text, uses the term “Vasudhaiva Kutumbakam”, which means that the whole world is one family and only tiny and narrow-minded people take two different perspectives on worldly things. This ideal of “Vasudhaiva Kutumbakam”, the world as one family, is unique in this age of globalization in the sense that while the ancient sages of India proclaimed that all of humanity is like one great extended family, modern experts would have us believe that the whole world is indeed a huge market.

While entering in the Parliament Building in India one comes across at the very entrance with a Sanskrit verse:

*“Ayam Nijah Paroveti Ganana Laghu Chetasaam*

*Udaara Charitaanaamtu Vasudhaiva Kutumbakam”*

It says small- and narrow-minded people see at the reality in terms of “this is yours and this is mine”; whereas those of higher consciousness see the entire universe as a family.

Human dignity cannot be guaranteed by constitutional means alone. It has to be embedded in the basic ‘samskaras’, the value system of society. The ancient sages of India thus visualized the great idea of the unity of ‘Atman’ and ‘Paramaatman’ and the universal unity of people on the basis of ‘Chetna’, the collective consciousness. That the same consciousness permeates all of creation is the greatest contribution of classical Hindu thought to the wisdom of the world. The Upanishads are the source of Hindu philosophy, which the great German philosopher Schopenhauer called “the solace of my life”.<sup>49</sup>

<sup>46</sup> B.R. Ambedkar: An Indefatigable Defender of Human Rights <<https://www.hurights.or.jp/archives/focus/section2/2009/06/b-r-ambedkar-an-indefatigable-defender-of-human-rights.html>>. (Accessed on 29 December 2021).

<sup>47</sup> Dwivedi, *supra* note 45.

<sup>48</sup> Back Matter, *supra* note 40.

<sup>49</sup> Har Bilas Sarda, *Hindu Superiority: An Attempt to Determine the Position of the Hindu Race in the Scale of Nations. Third Edition* (1922), <<http://dspace.gipe.ac.in/xmlui/handle/10973/26735>>. (Accessed on 29 December 2021).

During the Second World War, a very informative exchange took place between the two stalwarts Mahatma Gandhi and HG Wells on this human rights issue. Mahatma Gandhi steadfastly refused to accept the human rights discourse that took place within Western tradition in the 1940s. The eminent English writer HG Wells had drawn up a list of human rights. But Mahatma Gandhi told him that he would do better to make a list of man's duties. "Begin with a Charter of Duties of Man and I promise the rights will follow as spring follows winter. I write from experience. As a young man I began life by seeking to assert my rights and I soon discovered that I had none not even over my wife. So I began by discovering performing my duty by my wife, my children, friends, companions and society and I find today that I have greater rights, perhaps than any living man I know".<sup>50</sup>

### VIII. RIGHT TO EDUCATION IN THE VEDIC CULTURE

According to FE Keay, "the Vedic education system was built in such a manner that it managed to survive not only in the events of the crumbling of empires and the changes in society, but, also, through all those thousands of years, managed to keep the glow of the torch of higher learning".<sup>51</sup>

This aspect of our Civilization is alluded to by the Supreme Court in the *Mohini Jain v. State of Karnataka*<sup>52</sup> which held that the Right to Education must be regarded as a Fundamental Right. The court said: "Indian civilization recognises education as one of the pious obligations of the human society. To establish and administer educational institutions is considered a religious and charitable object. Education in India has never been a commodity for sale". (Para 18)

In the case of *Unni Krishnan v. State of A.P.*<sup>53</sup> the Supreme Court again referred to the importance of education as emphasized in the Niti Shatakam by Bhartrihari and held that the right to education is a Fundamental Right under Article 21 of the Constitution of India.<sup>54</sup>

### IX. GENDER RIGHTS IN THE VEDIC CULTURE

Respect to women has been central to our civilization. In our culture, women are considered not just equal to men, but in many respects, superior to men also that can be reflected by citing an example that that most of the rivers

<sup>50</sup> Richard L. Johnson, *Gandhi's Experiments with Truth: Essential Writings by and About Mahatma Gandhi* (2005).

<sup>51</sup> Radha Kumud Mookerji, "Glimpses of Education in Ancient India", 25 *Annals of the Bhandarkar Oriental Research Institute* 63-81 (1944).

<sup>52</sup> (1992) 3 SCC 666: AIR 1992 SC 1858.

<sup>53</sup> (1993) 1 SCC 645: AIR 1993 SC 2178: (1993) 1 SCR 594.

<sup>54</sup> The Right to Education is Contained in Article 26 of the Universal Declaration of Human Rights (UDHR).

in India are named after women. The Vedic literature says “Janani Janma Bhoomish cha Svargaadapi Gareeyasee” meaning thereby that the Mother and the motherland are superior even to the Heavens.

In the Vedic tradition, women are considered as the harbingers of power and prosperity and revered as Lakshmi, Saraswathi, Durga and Kali. Even divine power in the form of Shakti is considered feminine. Mahatma Gandhi, who used the term “Stree-Shakti”, once wrote that, “the way we treat our women is an indicator of the richness of our culture”. No one can deny that men may have greater physical power than women, but women have more internal strength and energy. This is the reason that women are identified as Shakti (the embodiment of Power) in the Vedic civilization. The weakening of Shakti will lead the weakening of the family, society and the country, too. It is because women are vulnerable to attack in many ways by men that the duty to afford protection to the person and property of women throughout their lives had been made part of the rules of Dharma and Rajdharma. This aspect was highlighted by the Supreme Court in the case of *Vishaka v. State of Rajasthan*.<sup>55</sup>

## X. CONCLUSION

The Vedas, which were written 3,000 years ago, are considered to be one of the oldest religious and philosophical scriptures. A presentation of the development of the concept of human rights is incomplete without acknowledging the contribution of the Vedic literature. An in-depth study of the Vedic literature shows that the concept of human rights was largely present in ancient India with an equal emphasis on performing duties. The study of Vedic literature and the Dharmasastras reveals important innate rights concepts that are akin to modern human rights. It is also evident that the concept of human rights could be further strengthened by treating duties as corollaries of human rights, as mentioned in the Vedic texts. Another significant element addressed in the Vedic writings is the concept of ‘Dharma’, which can be tied to the concepts of law, equity, rights and duties.

Hence, as mentioned in the Vedas, a person has the right to live, the right to succeed, the right to do a good job and to share the fruits of it with others, and the right to perform religious rituals.

According to the Vedas, a person has a right to life. He has the right to look for opportunities to live happily, divinely, and peacefully. The concept of human rights is at the heart of the Vedic literature. This emerges from the Atharva Veda, which recognizes the right to happiness for all people and obliges the king to protect this right. Hence, it can be said that the first account of human rights in the world is contained in ancient Indian literature.

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<sup>55</sup> (1997) 6 SCC 241.