



HUMAN RIGHTS – HISTORICAL PERSPECTIVE

N. Ramesh Goud

Assistant Professor of History, Girraj Govt. Degree College (A),
Nizamabad, Telangana state.

ABSTRACT :

Human Rights are inalienable rights of the human being as they are inherent in our nature. Being human a person is inherently entitled to have & can enjoy from womb to tomb. Human rights are concerned with the dignity of the individual. 1948 December 10th – Universal Declaration of Human Rights (UDHR) by United Nations Organisation (UNO) is a milestone in the history of evolution of Human Civilisation. . Indian constitution also has given legal protection to the rights which were enshrined in part III of it.



KEYWORDS : Human Rights, Social Contract, Magna Carta, Bill of Rights, Indian Constitution.

INTRODUCTION

Human Rights are inalienable rights of the human being as they are inherent in our nature. 1948 December 10th – Universal Declaration of Human Rights (UDHR) by United Nations Organisation (UNO) is a milestone in the history of evolution of Human Civilisation. The independent States which were emerged after Second World War incorporated the human rights into their constitutions and guaranteed them to their citizens by providing judicial protection. Indian constitution also has given legal protection to the rights which were enshrined in part III of it.

OBJECTIVES OF THE STUDY:

1. To discuss the historical perspective of human rights in the world
2. To explain the human rights in Indian context.

Meaning

Being human a person is inherently entitled to have & can enjoy from womb to tomb. Human rights are concerned with the dignity of the individual. According to Scott Davidson “the concept of human rights is closely connected with the protection of individuals from the exercise of power of State or Government in certain areas of their lives it is also directed towards creation of social condition by the State in which individuals develop their fullest potential”. Thus, from the above cited definition we can say that human rights are the essential part for the every human being in order to live his/her life to fullest.

Historical Perspective:

Primitive man enjoyed unlimited freedom bestowed by the nature as food collector; because State was not in existence and boundaries were not there he could move anywhere to meet his basic needs as a food gatherer by that time. Gradually learnt food production that led to the beginning of

settled life and notion of individual assets whether movable or immovable is emerged. To protect the assets and to live in tandem in the Society State is necessary, thus it is emerged. According to Jane Jacques Rousseau's *Social Contract* (1762), people choose a person or a group of persons to look after the safety and security of the territory, thus ruler emerged in this necessity. In this process, man handed over some of his rights to the State for the convenience of smooth administration. Probably this could be the reason Aristotle called the State as an inevitable evil; citizens were exploited by the rulers in the name of different types of services and taxes to meet the maintenance expenses of the State. Gradually different theories of origin of State came into existence and the most accepted and practiced one is divine theory of king ship during ancient and medieval periods. During wars among States, the defeated war prisoners were exterminated brutally; as those were absolute despotic States, the citizens whoever violates the rules were also punished severely. Later on, instead of extermination or severe punishments they were enslaved by the State and the State used to take some productive work from them. Thus, enslavement was a good step instead of death penalty as their right to life was protected initially in the evolution of the human rights. After the emergence of empires, for the convenient of administration they were subdivided into different administrative units and administrators were appointed to look after those units and they were assigned with duties like collection of taxes, maintenance of law and order and to provide military service to the emperor whenever necessary. For discharging these duties, initially they were paid in kind or cash later on they were granted lands in lieu of salary. This led to establishment of land lord system. In course of evolution of history, due to many historical factors, these land lords became very strong and the king had to depend upon them for various reasons. In this context, the landlords tried to control the absolute despotism of the king. In this process, in 1215 *Magna Carta* (Great Act) came into existence, it curtailed the absolute despotic powers of the State and the first step towards formation of parliamentary form of government as well as considered as first step in obtaining recognition to the Human Rights formally. After 1688-Glorious Revolution, *Bill of Rights* - 1689 was declared in which parliament was given more powers and considered as the beginning foundation of constitutional monarchy. This Bill of Rights guaranteed the principle of Habeas corpus i.e., right to life to the citizens and right to religious freedom, apart from these, State should exercise the financial, military powers through the consent of parliament only. Human rights took great leap after American freedom struggle (1776-1783) its declaration of independence was based on the book of John Locke '*The Two Treatises of Government* (1690)' which proposed the principles of *right to life, liberty and property*, where Thomas Jefferson replaced the *right to property* with *pursuit of happiness*. This revolution constitutionalised the fundamental rights, curtailed the State powers and the State became a republic where the power reached into the hands of people again through the written constitution. In this way, the American Revolution contributed to great extent in the development of the concept of human rights. The slogans which shook the foundations of despotic monarchies all over the world were *liberty, equality and fraternity* came with French revolution – 1789, it brought the power into the hands of bourgeois (middle class) and ceased the despotic power of the Bourbons.

In 20th century the European colonies were existed all over the world with geographical discoveries after the downfall of the Constantinople and imperialism reached its zenith. For imperial hegemony, these European nations fought two world wars, which ultimately led to the rise of nationalism and ultra nationalism in the colonies which led to dissolution of imperialism of Colonial powers and as a result the colonies got independence. With the conclusion of Second World War United Nations Organisations (UNO) was established and internationalism has been recognised as one of the main political components by the world. Later on with Universal Declaration of Human Rights [UDHR] – 1948, all the nations recognised human rights as inalienable rights of every individual, they were enshrined in the constitutions and all the nations guaranteed them to the citizens.

Indian context:

As the scriptures of Indus valley civilisation could not be deciphered, ambiguity prevails regarding the nature of the State and its subjects' rights and duties. However, it appears that the rich

and poor lived side by side according to the available archaeological evidences. During early Vedic age, discrimination was not seen among people as all of them led nomadic pastoral life, but at later stage, purushasukta was inserted as tenth book into Rig-Veda which clearly mentions about chaturvarna system in which sudras were deprived of their rights in toto and were assigned with duties only. Since then, rigidity of the Varna system grew to its zenith in 6th century BC, where heterodox sects like Charvaka, Ajivaka, Jainism and Buddhism flourished and countered the rigidity by offering equal status (*samata*) and preached fraternity (*mamata*) to the community. Because of these sects, the impact of caste discrimination could not be seen during the Mauryans regime where the evidence was seen in Megasthenes *Indica*. It mentions the society with seven classes instead of castes; especially Asoka implemented the rule of law for the first time in ancient India and tried to abolish all types of discriminations in the society which were inherited by birth. After decline of the Mauryans regime orthodox rulers re imposed the discrimination among the castes and untouchability was practised rigorously. In Guptas time the evidence was seen in Chinese traveller Fahien's book *Faksoki* (A Record of Buddhist Kingdoms) he travelled in India during Chandra Gupta- II time in 399-412 AD. It continued during Delhi Sultanate and Mughal period also as they came from central Asia, they probably might be thought that it was the religious custom of the people of the land; hence they did not interfere into the matter. During this time, Bhakti movement reformers like Kabir, Guru Nanak of 15th century tried to eradicate the discrimination, fought against the caste system, preached the equality and practised also. After attaining the power by the Europeans, the heinous practices were abolished and the rule of law was implemented in British India, though the Europeans exploited our nation's wealth for 190 years uninterruptedly, they empowered the downtrodden by imparting education to all irrespective of their caste and by eradicating superstitious practices from Indian society. In 19th century in Maharashtra Jyotirao Phule, Savitribai Phule and Fatima Sheik established the schools for girls and downtrodden, they also tried to propagate the scientific temperament which is the very basic concept of human rights. Later on, Ayyankali, Sri Narayanaguru, Periyar Ramaswamy Naicker from south India and Dr. BR Ambedkar of 20th century tried their level best to impart scientific temper among masses by reforming and educating. During this period, social uplift movement and national movement went on simultaneously. With internal causes like uncontrollable nationalism and external causes like Second World War England transferred the power to the Indians in 1947. Constitution assembly framed our constitution and enshrined fundamental rights in our constitution with the impact of Universal Declaration of Human Rights (UDHR) 1948.

Epilogue:

In the light of above description it is understood that during primitive stage all the rights were enjoyed by the people and later on they were grabbed by the State due to various reasons, but in course of time with relentless collective efforts of man those rights were being bestowed upon the man by incorporating them in the constitutions all the modern States incorporated these human rights into their constitutions and were given legal protection. Human rights will be considered as natural rights when those rights reach the common man all over the world. The power which is taken over from the people will be taken over by the people, Statelessness has to come and human rights will be enjoyed by the people again.

REFERENCES:

1. A History of Modern Times from 1789 – C. D. M. KETELBEY
2. Mastering Modern World History – Norman Lowe
3. Modern World History – Telugu Academy
4. The Wonder that was India – A. L. BASHAM
5. Medieval India – Satish Chandra
6. A New Look at Modern Indian History – Grover & Grover
7. Comprehensive History of Political Thought – N. Jayapalan



N. Ramesh Goud

Assistant Professor of History, Girraj Govt. Degree College (A), Nizamabad,
Telangana state.

LBP PUBLICATION