

HUMAN RIGHTS AND ITS DEVELOPMENT IN INDIA

-by *Shubham Kumar*

What are human rights?

Human rights are rights inherent to all or any or any citizen of a country. It defines relationships between individuals and power structures, mainly with the State. Human rights delimit State power and at a similar time, require States to need positive measures ensuring an environment that allows all people to enjoy their human rights. History in the past 250 years has been shaped by the struggle to form such an environment. Starting with the French and American revolutions in the late eighteenth century, the concept of human rights has driven many revolutionary movements for empowerment and for control over the wielders of power, governments especially.¹

They contain a comprehensive list of the human rights that the governments must respect and promote in the country, including:

- Right to life.
- Equality.
- Security of person.
- Freedom from arbitrary arrest/detention.
- Freedom from slavery.
- Freedom of movement and residence.
- Freedom of association and assembly.
- Freedom of opinion and expression.
- Right to adequate food, clothing, and housing.
- Due process of law.

¹ *Human Rights Handbook*, OHCHR (11 Jan. 2020), <https://www.ohchr.org/documents/publications/handbookparliamentarians.pdf>

- Right to safe and healthy working conditions.
- Right to form the trade unions and to strike.
- Right to education.
- Right to health.²

Human Rights Activities in History

The History of Human Right activity is very long, it mainly started in 1215 and implemented many times. Some important activities in implementation and execution of Human Right are:

The Cyrus Cylinder(c539-530BC), The King of Persia, Cyrus II has started reforms on the clay cylinder.³ Sir Timothy Potts, Director of the J. Paul Getty Museum says that "The Cyrus Cylinder is one of the most important works and art piece to have survived from the ancient. The Cyrus Cylinder is a concept that secure the right of person.⁴

The Magna Carta (1215), On 15 June 1215, at Runnymede, King John I of England had put and attached his Great Seal to a document. The Document was drawn by a group of some noblemen. They unhappy about their rights because their right being ignored by the monarch. It was the first important document and influential legal charter. The Magna Carta is the first Bill of Rights in

² *Human Rights Background*, THE ADVOCATES FOR HUMAN RIGHT (11 Jan. 2020), https://www.theadvocatesforhumanrights.org/uploads/ch_2_2.pdf

³ *A history of human rights*, AMNESTY INTERNATIONAL (11 Jan. 2020), https://www.amnesty.org.nz/sites/default/files/history%20of%20human%20rights_0.pdf

⁴ *The Cyrus Cylinder And Ancient Persia: A New Beginning*, GETTY TRUST EDUCATION (14 Jan. 2020), http://news.getty.edu/content/1208/files/cyrus_cylinder_release1.pdf

history, which Britain passed in 1689 and codified the civil and political rights of people of country.⁵

In between (1864-1977), **The Geneva Convention** has arisen as a set of treaty, these treaties mainly focused on alleviating the effects of war on soldiers and civilians. The conventions stated that the neutral status of the sick and wounded, allow a provision of protection and relief for the wounded and establish the humane treatment of prisoners of war.

In 1945 the **United Nations** was established, with the aim and scope to maintain international peace and security, to develop friendly relations among nations that is based on the principle of equal rights and self-determination of peoples, to cooperate in solving international social, economic, cultural and humanitarian problems with respect for human rights and their fundamental freedoms, to be a centre for harmonize the actions of nations in the attaining these common ends. The United Nations acts according to the following principles: it is based on the sovereign equality of all its members, to settle their international disputes by peaceful means without endangering the international peace, security and justice and to give every assistance to the United Nations in any action in accordance with the Charter. Charter of UN is not to authorize the UN to intervene in matters which are essentially within the domestic jurisdiction of any state.⁶

In 1948, **The Universal Declaration of Human Rights (UDHR)** is the important part of the International Bill of Human Rights. There are thirty articles that cover the rights of the individual such as the political and civil rights, the

⁵ *The Human Rights Act: 800 Years In The Making*, THE GUARDIAN, <https://www.theguardian.com/humanrightsandwrongs/800-years-making>

⁶ *The United Nations Today*, UN ORG, <https://www.un.org/ar/geninfo/pdf/un.today.pdf>

freedoms of speech and association, freedom from slavery, the right to education and economic, social and cultural rights and adequate housing. In 1948 New Zealand ensures alongside rights like freedom of speech and freedom from torture.⁷

Development of Human Rights in India⁸

In **Ancient Law of Hindu Rights**, "Dharmasastras" and the "Arthasastras" and other legal treatises and documents of past have discovered a system that regulate the roles and duties of Kings and legal procedures. The concept of Dharma and their function focus on social order. The "Dharma" has the supreme value, which binds kings and citizens, men and women.

In the **Buddhist** ideology of non-violence also talk about the human right. It also said that theology in humans which represented by the virtues of non-violence, compassion to living being, freedom from anger, renunciation, truth, gentleness, aversion to fault-finding, freedom from the covetousness, modesty and steadiness and the qualities that a good human being ought to have and pursue. Ashoka, also included from the genealogy of human rights.

Human Rights in the Islamic Era, from the downfall of the Rajput administration gave rise to the Muslim rule in India. The Muslim invasion in India created a new situation wherein the Muslim rulers or Sultans followed a

⁷ *A History Of Human Rights*, AMNESTY INTERNATIONAL (11 Jan. 2020), https://www.amnesty.org.nz/sites/default/files/history%20of%20human%20rights_0.pdf

⁸ *Human Rights In India*, THE SHODHGANGA, https://shodhganga.inflibnet.ac.in/bitstream/10603/6653/1/11_11_chapter%203.pdf

policy of discrimination against the Hindus. So that the significance of Muslim rule in India was countered to harmony, justice and equality. The Muslim conquerors like Mahmud Ghaznavi and others made frontal attacks on ancient Hindu and their way of life and the religion. The time passed and new era began with Akbar in the Mughal history of India, he done lots in the field of human rights that result of his policy of 'Universal Reconciliation and tolerance. In the empire of Ashoka is highly appreciated his zealous regard for rights and justice of people. The Akbar's son Jehangir also followed justice-loving tradition of his father.

Human Rights in British India, the modern era of human rights and jurisprudence have taken birth in India at time of the British rule. Under the British rule, the human rights and democracy for the peoples were suspected and socialism was an anathema. In the Indian cultural history, the British colonial period was remaining the Indian equivalent of the 'Dark Ages'. Sir Lord Macaulay rejected the traditional Indian legal a system of government as 'dotages of Brahminical superstitions, and condemned ancient legal heritage and its inner core as an 'immense apparatus of cruel absurdities'. Sir Lord Wellesley condemned the Indians as vulgar, ignorant, stupid and rude and Lord Cornwallis described Indians as an axiom that every native of Hindustan is corrupt.

Under the leadership of Mahatma Gandhi, he organised the people of India and launched his non-violent struggle to achieve self-government and fundamental rights for themselves. Lokmanya Tilak during his time advocated that "the freedom was the birth right of Indians that they are getting to got to fight. The Charter Act of 1813 was enacted and plug the interest and happiness of the native inhabitants of India. Similarly, the govt. of India Act, 1833 was passed to permit the Indians to enjoy some political rights. The Constitution of India Bill 1895 known as the "Home Rule Document" that prepared by the Indian National Congress as the way for a constitution guaranteeing every one of the citizens the essential human rights like freedom of expression, inviolability of one's own

house, right to property and equality before law. the govt. of India Act, 1915, in pursuance of the strain for fundamental rights, guaranteed equality of opportunity publicly services. A series of resolutions adopted by the National Congress between 1917 and 1919 repeated the demand for civil rights and equality of status with English.

Conclusion

The Human Rights is very important step in establishing the rights of common people. It stated in 1215 mainly and implemented every step of future. It impowers the rights of common people and it mainly talk about Right to life, Equality, Security of person, Right to education, Freedom from arbitrary arrest/detention, Freedom from slavery, Freedom of movement and residence, Freedom of association and assembly, Freedom of opinion and expression, Right to adequate food, clothing, and housing, Due process of law, Right to safe and healthy working conditions. In India Human Rights gives lots of reform in history and also getting implemented in future.
