

**The Conceptualization of Human Rights: Indian Mythology, Constitution and Analysis
on the Literary works of Indian Writers**

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Abstract:

The idea of Human rights is existed early in the history of Human civilization. Its progression is the effect of spiritual, cultural, social and constitutional development all over the world. These are the basic values essential for all the mankind. The notion of Human rights is incorporated in Indian culture and Mythology. Indian culture is the heritage of many social customs and traditions.. It facilitates civil, political, economical, spiritual and ethical development of human beings in a beneficial ambiance. Human rights are referred as ‘basic rights’, ‘natural rights’, ‘inherent rights’ which are intertwined and inviolable from the individual. It is the duty of the governments of different nations to enable all the people to comprehend the values of human rights for the establishment of tranquility domain of the different countries in the world through their respective laws and policies to provide equality, protection, dignity and justice for the harmonious human existence. Indian constitution enact significant role in facilitating the rights, defense of its people through enormous laws in the constitution.

Keywords: Righteousness, Non-Violence, Untouchability, Transgender Rights, Fraternity, Gender discrimination.

Introduction:

India is a sub continent embedded with rich heritage of composite culture with different religions like Buddhism, Judaism, Islam, and Christianity despite Hinduism; different traditions and Castes. It is the largest democratic country in the world where the concept of Human rights engrossed more than 4000 years ago in its Vedas. Indian culture, an inherent of Vedas, Puranas, Arthashastra, Dharma Shastra, Epics like Ramayana, Mahabharata which enshrined the concept of fundamental rights like equality, right to live, civil and political rights.

Human Rights in Ancient India and Mythology:

Ancient Indians are aware of the notion of the Human rights which are assimilated in Indian culture through various conventions of Hinduism, Buddhism and others. These are related to the development of society and individual identity. Human rights are significant in

Rigveda of Hinduism. Vedas proclaims the human values and dignity to life, deals about different aspects of life.

“Rigveda manuscripts have been selected for inscriptions in UNESCO’s “Memories of the World” registered in 2007”^[1].

Vedas ascertain that ‘Happiness’ is the fundamental right of mankind. It apprises-

“Sarvepi sukhina santusarve santu nirāmayā
Sarve bhadraī paśyanti ma kaśchid dukhabhāg bhavet”

i.e. “Let all be happy, let all be free from diseases, let all see auspicious things and let nobody suffer from grief”^[2].

The epics or Vedas of Indian culture are the source of Dharmas which emphasize civil rights. In the Shrimad Bhagavad-Gita, the Lord says-

“Ahamamātā gudakeśa sarvabhūtā yasthitah
Ahamādiśca madhya ca bhūtānāmanta eva ca”

i.e. “I am the self seated in the hearts of all beings. Therefore, according to our Shastras, all living beings are essentially identical although we make distinctions of each species based on certain arbitrary norms”^[3].

Manusmriti has rightly established the fact that irrespective of age, caste or class to which one belongs, one should fulfill ones duties. One should be equal minded towards all living beings irrespective of gender and religion.

“Dusitoapi careddharmam yatra tatra rame ratah
Samah sarvesu bhutesu na lingam dharmakaranam”^[4].

As per philosophy of India, the universe, different societies and all men are considered entirely as “Vasudhaika Kutumbam”. According to this, God is one. Every individual is a child of Almighty and interconnected to one another. All men belong to a single family of the world. Every member is protected by the rights against social, political evils and injustice. Human rights are innate of every person in the Universe despite one’s caste, religion, gender and nationality.

In the Indian culture, rights followed by duties which are also called as ‘Dharma’ from epics and Shastras. According to the Indian tradition one should bound to the duties of Dharma. All the human activities should be according to Dharma. The duties may include to be honesty, non-violence, justice, individuality and social factors of life. Rights arise from these duties and compatible. By abiding the duties, man enabled to certain rights like right to live, right to equality, freedom, right against exploitation so on.

Kana Mitra writes “Dharma implies justices and propriety as does the word ‘right’ of the UN Declaration, although the connotation of ‘Just claim’ is not explicitly present” (Revised material from faith in Human rights, 3 quote).

In the largest epic Mahabharata, Human rights are distinctly observed in subsistence of life. We observe struggle for existence among Kauravas and Pandavas; civil, political rights, right to freedom of religion, culture; educational and property rights are emphasized by different stories of Mahabharata. There are many themes in Mahabharata which are

synonymous to the rights of modern times. The main theme is 'Dharma' which is observed in epic of Mahabharata through different tales which are implanted in it. The conflicts between Pandavas and Kauravas portrays the uphold and non-compliance of Dharma. The epic also hash out the 'sacred duty' which revolves round the different characters instilled in the anecdotes.

Pandavas during their expulsion period, being Kshatriyas depicts as Brahmins and in the sub-book of Mahabharata in Virataparvam it is mentioned that with one year duration they undergone concealed identities which corroborate 'right of caste' prevailed in the Indian society. Arjuna's the 'Bruhannala' character endorse Transgender rights in the community which are embedded in present UDHR.

Truth, Honesty and Code of conduct are perceived in various personalities of parables in Mahabharata. It is a legendary tale which is associated with ethics, spiritual life, genre of humanity, righteousness, commitment of secular organization and human existence is enlightened in Mahabharata that which are indistinguishable with that of Universal Declaration of Human Rights of today.

The Kautilya's Arthashastra brings about civil, legal, political, economic rights and right to justice. Women rights like 'Stridhana' (Women Estate) were implemented during his rule. Stridhana is similar to criminal law act of today. Arthashastra subdues social norms, the ethics which largely influence the society. It talks about the king, his duties and responsibilities and the government, legal policies, assists to resolve the conflicts of court, economic, social problems and enables the smooth, well-organized administration.

Arthashastra in its Book-3 talks about civil, economical and judicial values:

“It is power and power alone which, only when exercised by the king with impartiality and in proportion to guilt either over his son or his enemy, maintains both this world and the next.

The just and victorious king administers justice in accordance with *Dharma* (established law), *Sanstha* (customary law), *Nyaya* (edicts, announced law) and *Vyavahara* (evidence, conduct)”.^[5]

Arthashastra views on the state states that:

We should never forget that the Arthashastra means by the "state" an order of society which is not created by the king or the people, but which they exist to secure. These authors regarded the "state" – if that word might be used here – as essentially a beneficial institution for protection of human life and welfare and for the better realization of the ideals of humanity.

— Jan Gonda.^[5]

“India's former National Security Adviser, Shiv Shankar Menon, states:

"Arthashastra is a serious manual on statecraft, on how to run a state, informed by a higher purpose, clear and precise in its prescriptions, the

result of practical experience of running a state. It is not just a normative text but a realist description of the art of running a state".^[5]

Buddhism is a proponent of human values, freedom and social equality. It denounced the social practices which breach the human rights ethics. The king Ashoka, the follower of Buddhism protected the human rights and adopted non-violence principle. Duties are important in Buddhism. According to Buddhism duties and rights are inter related and the reflect the peace and harmony in the society. The elements of individualism are well-built in Buddhism. It ensures that in life every individual is responsible of his own happiness. It demonstrate the noble eight fold paths such as 1) Right belief, 2) Right Speech, 3) Right conduct, 4) Right occupation, 5) Right effort, 6) Right mindfulness, 7) Right resolve and 8) Right sati/Meditation which enlightens ethics of life.

Many articles in human rights and modern day principles are alike that of Buddhism preachings. There are five social assurances and five individual possessions in Buddhism are:

The five social freedoms are (1) freedom from violence (*Ahimsa*), (2) freedom from want (*Asteya*), (3) freedom from exploitation (*Aparigraha*), (4) freedom from violation or dishonour (*Avyabhichara*) and (5) freedom from early death and disease (*Armitatva and Arogya*).

The five individual possessions or virtues are (1) absence of intolerance (*Akrodha*), (2) compassion or fellow feeling (*Bhutadaya, Adroha*), (3) knowledge (*Jnana, Vidya*), (4) freedom of thought and conscience (*Satya, Sunrta*) and (5) freedom from fear and frustration or despair (*Pravrtti, Abhaya, Dhrti*).^[6]

Islam also denotes right to lead a righteous life.

The concept of right was delineated by poets like saint Kabir, Thulsidas; philosophers like Ramakrishna Paramahansa, Swami Vivekananda; and social reformers like Raja Ram Mohan Roy, Rabindranath Tagore, protested child marriages, encouraged widow marriages, supported Girl education and empowerment of women which are proportional to the articles 21-A of the Indian constitution.

Swami Vivekananda, a great philosopher of India inspired Indian youth by his motivational talks on nation's progress and freedom. He articulated against social evils like untouchability, religious, perceptions. He quotes-

“Every human being has the right to ask the reason, why, and to have his question answered by himself, if he only takes the trouble”.^[7]

Swami Dayanand Saraswati advocated widow marriages, right to education and equality. He fought against discrimination on caste and untouchability.

The modern awareness of human rights originated during the British rule of 18th and 19th century in India. It was the struggle for the freedom, justice, equality, fraternity and about all the civil and political rights. The strong foundation of human rights built in India after India became independent.

Humanrights and Indian Constitution:

Human rights are inherited in India since a long time and manifested in its culture and lifestyle of the people. Due to the invade of aliens like Persians, Duchess, Islamins, Britishers to India, the people have endeavoured for equality, freedom and Identity and became Independent in August 15, 1947. India is multi religious multi cultural multilingual and divergent society with distinct climatic condition and geographical features. A remarkable variations can be observed in political, economical and social development of Urban, Rural & Tribal areas prevailed in the country. It is land of diversity and the largest democratic country in the world where Human rights have given the prior importance.

The constitution of India adopted by constituent assembly in 26th January 1950.It vividly framed Fundamental Rights for the high degree of protection from any kind of discrimination and violence.

The preamble of Indian Constitution states:

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 twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION. ^[8]

The constitution consists of 395 Articles,8-schedulesand 22-parts.Since 1950,the Judiciary is functioning as a defender of right. Despite the judiciary, many other organizations are setup for the protection of Women rights, Minorities and Dalit rights. Organizations like The National Commission of Women, National Commission of Minorities, National Commission of Schedule Castes work for the people's rights. These rights are transitional and bring remarkable amendments based on requirement of social, economical, political and cultural issues of the nations.

Indian Constitution amended many articles. For example:

According to amend article 334 of 25th January, 2020 to extend the reservation of seats for SCs and STs in the Lok Sabha and states assemblies from Seventy years to Eighty years. Removed the reserved seats for the Anglo-Indian community in the Lok Sabha and state assemblies. ^[9]

Indian constitution also framed Directive Principles and Fundamental Duties for the welfare of the citizens, smooth functioning and democratic system of Nation.

Indian Literature With Human Rights Prospective:

In the novels of Indian writers on the whole explores social, economic in equalities, absurdity in the society, discrimination on the caste, gender, religion and pathetic situation prevailed in the society particularly down trodden people who are economically weak and on human dignity. I would like to bring glimpse of some of the Indian novels in human rights prospective.

For instance, Mulkraj Anand's novel "Untouchable" elevates the pathetic condition of weaker section and humbug of Brahmins subsisted in the novel.

A superb specimen of humanity he seemed whenever he made the high resolve to say something, to go and do something, his fine form rising like a tiger at bay. And yet there was a futility on his face. He could not overstep the barriers which the conventions of the superiors had built up to protect their weakness against him. He could not invade the magic circle which protects a priest from attack by anybody, especially by a low-caste man. So in the highest moment of his strength, the slave in him asserted itself, and he lapsed back, wild with torture, biting his lips, ruminating his grievances.^[10]

Mulkraj Anand was the first Indian writer in English become popular internationally as English novelist and short story writer. He received a civilian honour Padma Bhushan. He wrote many novels like Untouchable, Coolie, Two Leaves and a Bud, The Village so on. He was a great humanist and his novels constitute penurious people who were the victims in the Indian society. He delineated the pathetic condition and divergence of a weaker section, superstitions, hardships in the society through central character of the novels.

In *Apology for Humanism*, he states his position as a humanist:

The humanism which I prefer doesn't rest on a Devine Sanction..... but puts its faith in the creative imagination of man, in his capacity to transform himself, in the tireless mental and physical energy with which he can, often in the face of great odds, raise himself to tremendous heights of dignity and redeem the world from its misery and pain....^[11]

The protagonist of his novels may be a coolie, a sweeper, washer man, a labourer or a hide gatherer acclimatized to suppression, exploitation, inhumanity of the upper level mankind. His novels reflect the thirst of basic rights for poor. He wrote against injustice and adverse experiences of the deprived people. In his novels, he depicts the businessman, money lenders, higher officials of British native rulers, Brahmins and priests are the aggressors on the underprivileged sections of the society which revels the breaking of human rights like right to life and equality.

It is mentioned in Indian Constitution that

As an Indian citizen we all have equal rights to live with dignity and considered all of us as being. In this context the definition of The

Protection of Human Rights Act, 1993 is remarkable: human rights mean the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India. ^[12]

Anand tried to raise the awareness of inherent rights and articulates about the justice through different characters in the novels.

Untouchable was Anand's first novel which describes single day life of Bakha, the protagonist of the novel and his sister Sohini faces the social discrimination on the name of caste and their inherited works. They are not allow to utilize liberally the basic needs like water, food and have been frequently humiliated by the upper caste people. He considers himself as a inferior as he is an illiterate and have no knowledge on basic principles of human rights. The circumstances prevailed during the British rule in India makes Bhaka helpless to violate the superiority of the casteism though he is responsible brother, son and dedicated towards his work.

As a eighteen years boy, Bhaka used to work as a scavenger. Once he helped a boy, a Hockey player who was injured; as a result Bhaka was assaulted and mistreated by the players mother. A person of other caste thinks that he pollutes others when he touches them. Upper caste people don't like the deprived to work on the streets as their shadow make people impure. Even her sister Sohini was ill treated by a pandit and blames her character. They were assaulted by everyone and treated as untouchables

'Polluted, polluted, polluted! Shouted the Brahmin below.....
Get off the steps, you scavenger! Off with you! You have defiled our
Whole service you have defiled our temple! Now we will have to pay for
the purificatory ceremony, Get down, get away, you dog! ^[13]

Anand in his novel Untouchable provoked the vulnerable condition existed in India in the 19th Century on the name of caste. He evaluated how the downtrodden people get humiliated, become depressed and disgusted in the contemporary society.

Anand's another novel 'Coolie' in which the main character is Munoo, 11 years old boy whose father died of shock as his property was forcefully taken by a moneylender. Munoo becomes orphan and strives for basic necessities. He worked as a labourer at different places like textile industry, pickle factory, servant in a house, in cloth mills as coolie; but everywhere he was ill-treated and abused by the management. In the end he suffers from tuberculosis and end his life.

Anand emphasizes through Munoo an adverse effects of poverty, social in justice, discrimination between rich and poor in the society. His novels emphasizes on right to work, education, social security equality of laws, freedom of expression and degradation of moral values.

Among all one of the most prominent Indian English writer, *Githa Hariharan*, who is distinctive, unique, contemporary modern writer, writes with the spirit of Indian culture,

mythology, traditional values, human relationships, honest to goodness expounds on feminism, marriage and other social issues predominated in the current society.

Hariharan writings are peculiar represents myth and conventional stories embrace with different events, various characters distinctly ancient but interwoven with the current circumstances and characters of her stories , as mythology is a part of Indian community and its lifestyle. Through myth she illustrates cultures, traditions in the society, liberty and the human values. She tried to articulate on the identity of a woman in the family , society and her complications, limitations in the male dominating society.

In *Thousand Faces of Night*, she expressed the problems of woman with three different female characters in her novel incorporated with Indian mythology “Mahabharata”, Ramayana” the stories of Gandhari, Damayanthi and Amba are personified with different characters in the novel.

The novel talks about Gandhari that

Gandhari’s pride, the fury that was to become her life-force, the central motive of years of blind suffering, was no piece of fiction. Gandhari’s anger, wrapped tightly round her head in a lifelong blind fold, burnt in a heart close, ^[14]

Devi is a protagonist in the novel, Sita, Devi’s mother and Mayaama who is her caretaker and cook; the three different women characters with their peculiar mode of living engaged in the traditional, social customs of the families pre-existed in the society.

As a child, young girl Devi much intricate with the stories narrated by her grandmother. Her grandmother used to narrate the story apt to the situation exist which has a wide impact on the mind set of Devi. Devi who took her higher education in America, always swings with the thoughts of traditional Indian life and American modernism. She could not set herself with the life bridged by her mother nor she could lead according to her wish. When she lives in America, fell in love with Deny Donn but after long relation, she rejects him due to different socio-cultural variations and returns to India.

According to Devi, the possibility of imposing a permanence such as marriage-however flexible in transient America-was somehow obscene.

The innocuous proposal of Indian aerogrammes she had barely red; their world was so distant so conveniently unfathomable that they failed to move her.

She had learnt, as most of the ‘well-adjusted’ foreign students in her University had, to accept the pervading order of incongruity that shadowed the parallel courses of her Indian and American lives. The unexpected union, the yoking together of dissimilar days and nights, passed off tolerably well as normalcy. ^[15]

According to her mother’s wish she married Mahesh who is a regional manager for a multinational company always busy with his work. He could not maintain emotional bond with Devi, only fulfils his physical desires, spends little time with her made her to feel lonely

always. Devi was much disappointed with her married life, frustrated that her marriage seized her freedom, education and questioning her survival.

Devi accuse herself with exasperation and thwart contemplates about Mahesh that:

He is far too civilized to raise his hand and bring it down on my rebellious body. He snarls instead about women's neuroses and my faulty upbringing. Am I neurotic because I am a lazy woman who does not polish her floors every day? An aimless fool because I swallowed my hard-earned education, bitter and indigestible, when he tied the thali round my neck? ^[16]

Her loneliness made her to attract to Gopal's music and spends comfortable in his presence in the absence of Mahesh. As she could not adjust to the married life with Mahesh who is a cold-blooded man; elopes with Gopal, a Hindustani classical singer.

But she realises all men are same with the attitude towards women she leaves Gopal too. She decided to start a new life in search of her own identity and returns to her mother finally.

Mayamma, a care taker at Mahesh house got married at a young age, barren from many years who was neglected by her husband and tormented by her in-laws used to tolerate all kinds of misconduct and bound to marriage relationships though she had a traumatic experiences in her life.

Sita, Devi's mother a protagonist of the second generation, grapples herself to the new environment in her In-laws house sacrifices her interest on Veena. She turns herself to an ideal wife, mother, daughter in law. She put on the role of saviour of the family and social status. But her dedication towards her family never be recognised in her married life. At the end she recognizes herself.

This Novel discusses mainly on quest for identity, self-reliance, existence, gender discrimination, women's human rights portrayed by different characters in a patriarchal society. This novel has translated in different languages like German, French and Spanish. Hariharan's "*Fugitive Histories*" is a provocative novel which cross examines the spirit of secularism in India. Religious indifferences, communal rivalries, individuality, notion of intolerance penetrates deep in the entire novel. The novel titled into 3 parts, 'Missing persons', 'Crossing borders' and 'Funeral rites'.

Hariharan knitted the story with real incidents took place in Gujarat, Ahmedabad, Mumbai in 2002 Godhra rites.

Asad, an artist who dies with intolerance of killing one another on the name of religion+. Mala, Asad's wife persists for her identity. Mala a Hindu Brahmin Girl married a Muslim, Asad against her parents wish. Asad assures Mala as

'Anyway we have nothing to do with either lot. It's not as if he think of ourselves as Hindu or Muslim'.

Mala thinks that ‘The challenge is to make these two contradictory truths live happily together, or at least peaceably together.’^[17]

But she faces a lot of problems due to cultural differences. Samar and Sara are their children. She supported her husband but when Asad died she has to make herself to lead to life alone.

Mala decided to prove to herself what she had told them: ‘Go Back to your work, I can manage. Get on with your lives.’^[18]

She struggles to understand the circumstances existed around her. Sara and Yasmin are the victims of Gujarat riots. Sara works to produce a documentary film on Gujarat and Ahmadabad issues prevailed in those days in India. She endures to acquire appropriate information regarding the subject. Sara’s unstability to reside at Ahmedabad for job returns to Nina’s room and Nina helps her to complete the document on Gujarat rites in 2002. Sara wants to lead an Independent life of her own. Yasmin also in the novel strives for the self identity. With different subplots and characters in the novel, Hariharan highlights the basic human rights, human values, relations, love, fear accompanying social issues of the independent India during that period. It also exposes the anguished lives of common man in an innovative and graceful manner.

In *Arundati Roy’s “God of Small Things”* through different characters in the novel, she represented the caste, religious dissimilarities embedded in the society. Politics human relations, marriage, love, disloyalty are also the elements of the story which accord Booker Prize in 1997.

Roy’s *God of Small Things* is a Kerala family story of Christian community it encompass on caste system prevailed in Southern India. Ammu, Velutha, Margaret, Rahel, Chacko, Kochamma are the deferent characters binds with caste system, social, emotional relationships where the novel intervenes with present, past incidents and memories.

There were several competing theories. One was that it had to do with the large population of Christians in the state. Twenty percent of Kerala’s population were Syrian Christians, who believed that they were descendants of the one hundred Brahmins whom St. Thomas the Apostle converted to Christianity when he traveled East after the Resurrection. Structurally—this somewhat rudimentary argument went—Marxism was a simple substitute for Christianity Replace God with Marx, Satan with the bourgeoisie, Heaven with a classless society the Church with the Party, and the form and purpose of the journey remained similar. An obstacle race, with a prize at the end. Whereas the Hindu mind had to make more complex adjustments.^[19]

The novel incorporates miserable condition of an unfortunate, victimized women Ammu; segregation of family members, lovers and pathetic situation of the children. It draws attention on the love affair of Ammu and Velutha who is treated as untouchable and the consequences when their relation revealed.

When Velutha being caught by the police man, he was brutally treated as

He was semi-conscious, but wasn't moving. His skull was fractured in three places. His nose and both his cheekbones were smashed, leaving his face pulpy, undefined. The blow to his mouth had split open his upper lip and broken six teeth, three of which were embedded in his lower lip, hideously inverting his beautiful smile. Four of his ribs were splintered, one had pierced his left lung, which was what made him bleed from his mouth. The blood on his breath bright red. Fresh. Frothy. ^[20]

The novel indicates the beliefs, social discrimination, prejudices double stranded of life prevailed in the Indian society. It talks about economic disparities, class, gender, nationality and basic rights of human.

Conclusion:

The approach of human rights is persisted in the Indian Mythology and culture since the ancient time. The phrase 'Vasudaika Kutumbam' itself indicates that the entire world is a single family. The Rigveda declares the right to equality, right to life. Even Buddhism provosts duties and rights of men. In due course, Indian constitution inherited the innate rights and framed fundamental rights, duties and directive principles for the welfare of the people.

The Indian novelists mainly concerned with exploration of culture and historical approaches and enlightened social, economic, political and cultural prospectives pervaded in their period with their production of awareness on the subject, inter subjective and interactive work.

Thus from the ancient period to modern era we find the convictions of human rights, human dignity in the culture, social practices among the people of India.

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