
ANCIENT INDIAN WISDOM ON HUMAN RIGHTS

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Abstract

Ancient Indian wisdom offers profound insights into the concepts of human rights, rooted in philosophical, spiritual, and ethical traditions that emphasize the dignity and sanctity of human life¹. Texts like the Vedas, Upanishads, and *Dharma shastras* present a holistic view of human existence, focusing on the interconnectedness of individuals, society, and the cosmos². The concept of dharma (righteousness) forms the foundation of moral conduct, advocating for the protection of personal freedom, equality, and justice. The Bhagavad Gita and other scriptures highlight the significance of non-violence (ahimsa), compassion, and respect for all beings, suggesting a natural affinity between human rights and spiritual growth. Furthermore, the ancient Indian notion of Sarvodaya (the welfare of all) underscores the importance of collective well-being, where societal progress is measured by the elevation of every individual. Through the lens of these teachings, human rights are not merely legal entitlements but are seen as intrinsic to the human spirit, promoting harmony, mutual respect, and a just society. This research explores how these timeless values can be integrated into contemporary discussions on human rights, offering a holistic perspective that transcends legal frameworks and touches on moral and spiritual dimensions.

Keywords: *Human Rights, Dharma, Ahimsa, Bhagavad Gita, Sarvodaya, Ethics, Justice, Equality, Spirituality, Non-Violence, Collective Well-being, Righteousness, Moral Conduct.*

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¹Shukla, S. (1994)., V.K. Sarma (ed.), *Ancient Indian Wisdom for Motivation*, Ahmedabad: Ahmedabad Management Association and Sankara Vidya Kendra, 1993, pp. 224. *The Journal of Entrepreneurship*, 3(1), 132-135. <https://doi.org/10.1177/097135579400300113>

² Hamilton. "Indian philosophical foundations of spirituality at the end of life." *Mortality (Abingdon, England)* vol. 23,4 320-333. 19 Jul. 2017, doi:10.1080/13576275.2017.1351936

I. Introduction

Since approximately 4000 B.C there have been instances of jurisprudence principles... in India that comprised explanations of rules and processes for civil and criminal proceedings, with a focus on punishment. The Vedic Rishis constantly advocated for the protection of all members of society, and this was regarded as the responsibility of the state or monarch. As a result, the idea of individual rights is not just a Western concept.³ The Rig Veda also mentions three sorts of civic rights: *Tana* (body), *Skridhi* (dwelling place), and *Jibhasi* (right to life) (life)⁴. The author of the book '*Hindu Narratives and Human Rights*' explains that Hindu scriptures include a comprehensive and detailed examination of 'the specific and universal character' of human rights.⁵ It entails delving into the issues posed by Draupadi in the *Mahabharata* after she was forced to attend the gathering of *Kauravas*. The author also believes that the battle between the *Kauravas* and the *Pandavas* over land ownership is one of the "contested rights."

The *Mahabharata*, *Ramayana*, *Panchantantra*, *Bhagwad Gita*, and other works of Indian literature, which comprise both short and large narratives, depict the argument on human rights in the form of folk tales and legends. These anecdotes were explored by the author, who claims that Indian thinkers not only advocated for human rights, but also demonstrated that violations of such rights might have consequences that "reach beyond the person."⁶

The *Mahabharata* is regarded as an ancient Indian epic that contains a number of significant systems of codes, values, and narratives for Indians to consider regarding human destinies, births and deaths, the futility of war, the nature of divinities, the ambiguous nature of human action, and the unavoidable consequences of individual actions.⁷ Human rights were safeguarded and encouraged under Hinduism's essential values. Those rights were never granted by the West. Hinduism evolved and developed in the Indian subcontinent, demonstrating that human rights have always existed in this region.

³Giriraj Shah & K.N. Gupta, *Human Rights: Free and Equal* (2001).

⁴ Sitansu S. Chakravarti, *Ethics in the Mahabharata: A Philosophical Inquiry for Today*, 1st edn., (New Delhi: Munshiram Manoharlal Publishers, 2006), p.176.

⁵A. Sharma, *Hindu Narratives On Human Rights* (1st edn, Praeger/ABC-CLIO 2009).

⁶ Ashok Vohra, *Discourse on Human Rights*, The Tribune (May 16, 2010), <https://www.tribuneindia.com/2010/20100516/spectrum/book1.htm> (reviewing Arvind Sharma, *Hindu Narratives on Human Rights* (2009)).

⁷ M.D. Muthukumaraswamy, *Mahabharata: Texts and Performances* (2017).

Indeed, the principle of non-discrimination between believers and non-believers dates back 2000 years to India.⁸ Furthermore, during the Kalinga War (261 B.C.), King Ashoka declared global peace and respect for others' rights, saying, "His Sacred Majesty Ashoka desires that all living beings have security of existence for which men should practise self-control and not seize by force what others hold." Coexistence, not reciprocal meddling and recrimination, should provide everyone peace of mind.⁹

Raja Ram Mohan Roy, the father of Indian Renaissance, battled against the age-old system of Sati (the burning of widows in their dead husband's funeral pyre) even before the Universal Declaration of Human Rights. Lord William Bentick, the then-Governor General of British India, approved the famous Regulation XVII in 1829, declaring Sati to be illegal and punishable by courts¹⁰, thanks to his active persuasion. Even though the British say it was a Western contribution, Raja Ram Mohan Roy was the one who aggressively opposed it and brought it to the attention of the authorities, as the Act was passed by Lord Bentick. Despite numerous obstacles, he succeeded in abolishing the Sati system, which was a grave infringement of one's right to life. He also attacked polygamy, the caste system, and the freedom of Hindu widows to remarry, among other things.

Ishwar Chandra Vidyasagar, a prominent academician, scholar, and social reformer during the colonial period who championed women's rights and was the first to marry his son to a widow, which was strictly forbidden in Indian tradition, carried on this legacy. Widows were viewed in society as inferior human beings after Sati was abolished, and the entire society looked down on them. Ishwar Chandra was the first to raise the subject of widow remarriage and to point out their equal rights as human beings. It was an unthinkable proposal at the time. However, as a result of his efforts, the Widow Remarriage Act was approved in 1856, making the marriage of widows legal.¹¹ As a result, it became not only a practise in Indian society, but also a comprehensive legislation that cemented the practice's foundation through the formal legal system.

⁸ Nagendra Singh, *History of the Law of Nations Regional Developments: South and South-East Asia*, in RUDOLF BERNHARDT, *ENCYCLOPAEDIA OF INTERNATIONAL LAW* 237, 239 (1984).

⁹ *Id.* at 241.

¹⁰ Priya Soman, *Role of Raja Ram Mohan Roy and the Abolition of Sati System in India – A Study*, 7 *INTERNATIONAL JOURNAL OF DEVELOPMENT RESEARCH* 14465, 14466 (2017).

¹¹ Ramandeep Kaur, *Ishwar Chandra Vidyasagar – A Great Reformer*, MY INDIA (Sept. 25, 2019), <https://www.mapsofindia.com/my-india/history/ishwar-chandra-vidyasagar-a-great-reformer>.

II. Hinduism

Human rights as we know them today are built on universal values found in all major civilisations around the world: Asia, Africa, and, of course, Europe. Human rights are reflected in Hinduism, which was practised in ancient Asia, for example. Secularism in the conduct of the state's domestic and foreign affairs, equality of all human beings, and devotion to the principle of peaceful coexistence, regardless of creed or belief, were all essential features of ancient Hinduism. Though Hindu perspectives about human rights have evolved significantly since the Dark Ages, the ancient Hindu texts from which the religion arose only contain the ideals of universal fraternity, peaceful coexistence, and equality of all human souls.¹²

Kautilya's writings can be seen as a crucial reflection of current constitutional monarchy, as he stated:

*प्रजासुखे सुखं राज्ञः प्रजानां तु हिते हितम् । नात्मप्रियं हितं राज्ञः प्रजानां तु प्रियं हितम् ॥*¹³

Which translates to : *'In the happiness of his subjects lies [the king's] happiness; in their welfare his welfare. He shall not consider as good only that which pleases him but treat as beneficial to him whatever pleases his subjects'.*

Moreover, the scripture places some requirements on the king himself, such as: the king must be a dharmic person (one who follows dharma), always be responsive to the wishes of his people, and finally, when making decisions about the affairs of the state, he must be guided by the sound advice of the elder statesmen of society.

In terms of how a dispute should be settled, Kautilya stipulates that such disputes should be assessed using four bases of justice: Dharma (based on truth), proof (based on witness), custom (based on widely recognised tradition), and royal edicts (based on law as promulgated).¹⁴

¹² 'Understanding Human Rights from An Eastern Perspective: A Discourse' (2020) 24 Asian Yearbook of International Law

¹³ KAUTILYA, THE ARTHASHASTRA 125 (L.N. Rangarajan trans., 1992) (1987).

¹⁴ *Id.* at 3.

The four *Vedas*¹⁵ and the Dharma shastras are sacred scriptures and divine revelations in Hinduism that convey the concept of good and wrong. The 108 *Upanishads*¹⁶, 18 *Puranas*¹⁷, 100 *Up-Puranas*, and a number of *Smritis*¹⁸ are among these scriptures. People who spend their life in line with *Rita*¹⁹ are tranquil and orderly, according to the *Vedic* literature. These writings show that Hinduism established notions like peace, justice, rights, and wrongdoing long before they did in the West. Outsiders referred to those who lived in antiquity in the rich valleys and along the banks of the Indus River (the modern-day Punjab area) as Hindus. These Aryans, on the other hand, did not refer to themselves as Hindus. They were adherents of *Rita*, the eternal cosmic order portrayed in their sacred writings, the *Vedas*. During the *Puranic Age*²⁰, this Vedic notion of *Rita* became known as *dharma*, and the believers or followers of this dharma became known as Hindus. Hinduism has since become synonymous with eternal *dharma*.

The concept of *dharma* itself encompasses many aspects of modern human rights ideals. The word *dharma* comes from the verbal root *dhr*, which means "to keep or maintain the world's rule and order or eternal order." All of the dharmas, albeit expressed in different ways, pertain to responsibilities that must be met in order to preserve and support the individual, family, social class, and society as a whole²¹. In reality, the numerous dharmas are merely distinct norms of behaviour that must be applied to various periods of life, social classes, being a king or a human being, and so on.

Dharma in a legal sense, on the other hand, refers to the "laws and customs that regulate society, informing every person of the principles that govern social life."²² *Dharma* is frequently categorised according to one's position in society and stage in life, for they constitute the fundamental aspects of time, location, and circumstance that determine one's own individual *dharma*,²³ says Kollar²³.

¹⁵ ADVAITA ASHRAMA, THE BRHADARANYAKA UPANISHAD: WITH THE COMMENTARY OF SANKARACARYA (Swami Madhavananda trans., 3rd ed. 1950).

¹⁶ HINDU SCRIPTURES (Robert Charles Zaehner trans., 1966)

¹⁷ UPENDRA NATH GHOSHAL, A HISTORY OF INDIAN POLITICAL IDEAS: THE ANCIENT PERIOD AND THE PERIOD OF TRANSITION TO THE MIDDLE AGES 580 (1959).

¹⁸ *Id.* at 8.

¹⁹ PRATIMA BOWES, THE HINDU RELIGIOUS TRADITION: A PHILOSOPHICAL APPROACH (1976).

²⁰ The puranic age is believed to be about the fifth to sixth century B.C. See generally A HISTORICAL ATLAS OF SOUTH ASIA 161-85 (Joseph E. Schwartzberg ed., 2d. ed. 1992).

²¹ JOHN M. KOLLER, THE INDIAN WAY 62 (1982).

²² *Id.* at 12.

²³ *Id.*

'*Dharma* is not a what, it is a how,' according to Ariel Glucklich. 'Of course, there is the *dharma* of conduct, which we normally perceive as law and morality.'²⁴ *Dharma* is a concept of righteous behaviour that governs the relationships between individuals, families, communities, and the government.

Dharma, in its original form, refers to the upholding of peace and security by the application of the rule of law and order within a greater cosmic framework. As a result, the concept of *dharma* appears to be secular and global in character, with little to no relation to the many Hindu gods and goddesses.

Indeed, as Eyffinger²⁵ correctly points out, "[u]nlike Confucianism, Buddhism, Islam or Christianity, Hinduism cannot be linked to a single source-prince, prophet or redeemer-nor can its genesis be fixed at a certain date."²⁶ which translates to "concentration on universalism was a very unusual aspect of ancient Indian thinking with respect to international relations. The *Vedic* scriptures describe people who are tranquil and orderly, living their lives in line with *Rita*²⁷. The supposed universality of the individual soul exemplifies the theological as well as political ramifications of this concept. This concept was embodied in political thought by a world government based on nonviolence toward all creation and humanity's indiscriminate quality. There was no discrimination made between believers and non-believers when it came to inter-state behaviour."²⁸

Hindu philosophy has championed the idea of harmony and brotherhood among all individuals and the quality of human beings since its inception, regardless of any characteristics such as belief, gender, ethnicity, or colour, which are still the most common causes of prejudice in the twenty-first century. Indeed, it was ancient India and Southeast Asia's non-discriminatory, universalist culture that allowed European traders to start trade with this region of the world on equal footing with the natives. As equal partners, these traders entered into different treaties with these Asian States and reaped the benefits of the region's extensive system of trade and commerce.

²⁴ ARIEL GLUCKLICH, *THE SENSE OF ADHARAMA* 7–8 (1994).

²⁵ Arthur Eyffinger is the author of the following works: *GROTIUS POETA: ASPECTEN VAN HUGO GROTIUS' DICTERSCHAP* (1981); *INVENTORY OF THE POETRY OF HUGO GROTIUS* (1982); *GENESIS AND FORMATIVE YEARS IN RETROSPECT* (1981).

²⁶ ARTHUR EYFFINGER, *THE INTERNATIONAL COURT OF JUSTICE 1946–1996*, 204–205 (1996).

²⁷ One of the most important concepts to be found in the Vedas is *Rita* (i.e., cosmic law and order). Thus, not only is the universe law governed, but everything has its own nature or *dharma* (law of its own being). Cosmic order or lawfulness therefore displays itself in nature and man's social, moral, and personal life alike. See generally PRATIMA BOWES, *THE HINDU RELIGIOUS TRADITION: A PHILOSOPHICAL APPROACH* (1977).

²⁸ *Id* at 23.

There were no questions of inferior or superior culture during those earlier centuries, and commercial interactions between European and Asian states were free of religious bias.²⁹ In terms of secularism and peaceful coexistence, *Arthashastra* contains a number of mandates that only serve to reinforce the fact that secularism in state governance, universalism in human approaches to the outside world, and the principle of peaceful coexistence when dealing with foreign powers of various faiths and beliefs were all key elements that were embedded in ancient India.

According to Alexandrowicz:

*“Arthashastra constitutes a divorce of politics (internal and external) from moral philosophy and creates a dichotomy typical of Brahmin learning which contrasts sharply with the Buddhist concept of the supremacy of moral law over and above politics. In terms of European philosophy, it might be comparable with the efforts of those theologians and lawyers who tried to extricate the jus gentium from the grip of theology.”*³⁰

This lends credence to the assertion that the concept of human rights was deeply rooted in all major oriental philosophical systems. The means of persuading people to obey human rights laws is guided by broad stories, which, if followed, serve a general utilitarian objective of allowing people to understand and adapt to practises without having to cope with difficult ideas. This is especially true when dealing with a huge segment of society rather than simply comprehending it as mythical ideas. Human rights are a notion that pervades all sectors and areas of life. It is more crucial that such a concept is understood by respecting each person's ability to execute such deeds.

²⁹ William Little, 'Chapter 15. Religion' (*Introduction to Sociology - 2nd Canadian Edition*)

<<https://opentextbc.ca/introductiontosociology2ndedition/chapter/chapter-15-religion/>> accessed 18 September 2024.

³⁰ CHARLES HENRY ALEXANDROWICZ, AN INTRODUCTION TO THE HISTORY OF THE LAW OF NATIONS IN THE NATIONS IN THE EAST INDIES: (16TH, 17TH AND 18TH CENTURIES) (1967).

III. Buddhism

Buddhism was brought into a caste-segregated society, contradicting its primary precept of perfect equality. As a result, many precepts of obligations and rights were included in Buddhist moral teachings. The Buddhist doctrine of 'ahimsa' clarifies the belief that everyone respects the intrinsic dignity of their own life, extends compassion and protection to others in a selfless manner, and does not deserve the pain that others experience.

By examining the relationship between Buddhist precepts and social justice as found in the Theravada tradition, human rights can be derived from Buddhist moral teachings. In Confucian, Hindu, and Buddhist traditions, concerns on "self-fulfillment, respect for others, and the quest to contribute to others" have been discovered, implying correlative duties for a just and peaceful community. Hesami argued that acknowledging the mutual entailment of rights and obligations, rather than creating a false dichotomy between the two, is more reasonable.³¹

The cycle of rebirth, which serves as a reason for the individual's existence in Buddhist philosophy, implies that everyone is tied and connected in a universal sense and cannot exist independently of one another. As a result, the activities of one person have an impact on the others. The Dalai Lama, who is regarded as the reincarnation of the Bodhisattva of Compassion and the spiritual leader of Tibetan Buddhism's 'Gelug School,' has asserted that there is a universal obligation to ensure human survival. He has emphasised the inextricable link between the human heart and the environment, which must be nurtured through love and compassion. He spoke at a United Nations Conference on Human Rights in Vienna, where he emphasised the Buddhist perspective to human rights.³²

Compassion is a Buddhist virtue that encourages us to enhance our human capacity for empathy to the point that we can fully empathise with the suffering of others. Several texts explain the process of self and other exchange and offer a meditative ritual in which we picture ourselves in the other's shoes. In the West, this is known as sentimentalism, which emphasises the influence of emotions in moral judgments.

³¹ Andrew Clapham, *Human Rights: A Very Short Introduction* 5 (2nd ed. 2015).

³² Daisaku Ikeda, *A Forum for Peace: Daisaku Ikeda's Proposals to the U.N.* (Olivier Urbain ed., 2014).

Human rights are, according to this viewpoint, "an manifestation of a profound human ability to see the other as similar to oneself; to have empathy for the other's wants and sufferings; to consent to, support, and revel in the fulfilment of the other's human potential."³³

Torture or killing that is recognised as a violation of human rights would result in negative karmic consequences, according to orthodox Buddhist beliefs. Karma, or the law of causality, has an ontological basis in natural law, similar to the physical rules that govern biological growth or heat. It has been proposed that Buddhist ideas can be used to develop the concept of human dignity. While the modern concept of human rights has a distinct cultural background, Buddhism shares its underlying interest with human welfare³⁴.

The *Lotus Sutra*, which encapsulates the essence of Buddhist teachings and was first published in Japan 80 years ago, was initially rejected as a gathering of the sick and needy. The members on the other hand, saw this as a badge of honour, and with a burning passion, they set out to engage in discourse with individuals in order to inspire and cultivate optimism³⁵. It argues that religion's intrinsic role can be defined as "taking divided human hearts and uniting them via a universal human spirit." It is religion that encourages, inspires, and motivates those who are looking for the good and valuable in their lives.³⁶

Human rights, according to the Universal Declaration of Human Rights, address the connection between society and individuals, protecting the latter from exploitation and persecution, with a legal goal in mind. Western ideologists believe that provisions referring to fair treatment and human dignity should be universally applicable. There is widespread agreement among academics that these human rights are compatible with Buddhist morality.³⁷

³³ L.S. Cahill, *Rights as Religious or Secular: Why Not Both?*, 14 Journal of Law and Religion 45 (1999); Yoichi Kawada, *The Buddhist Perspective of Life and the Idea of Human Rights*, 21 Journal of Oriental Studies 123, http://www.iop.or.jp/Documents/1121/Journal21_Y.Kawada2.pdf.

³⁴ *Id* at 10.

³⁵ Daisaku Ikeda, *A Forum for Peace: Daisaku Ikeda's Proposals to the U.N.* (Olivier Urbain ed., 2014).

³⁶ *Id.* at 31.

³⁷ Andrew May, *Buddhism and Human Rights: A Book Review*, Andrew-May.Com (2001), <http://www.andrewmay.com/bhr.htm>.

IV. Human Rights In View Of International Treaties

It is undeniable that during the UN's early years, certain people of Western descent were instrumental in developing the modern notion of human rights through the UN's framework. As a result, the United Nations General Assembly³⁸ adopted the Universal Declaration of Human Rights on December 10, 1948. These Westerners were not the only ones who contributed to the development of the modern concept of human rights, and they never claimed that the UDHR was advancing the principles of Western Christian civilization. They were decent people worried about humanity's future and the post-World War II world's improvement. They may have arrived from anywhere in the world, for history shows that decent individuals with a vision could be found not only in the West, but also in other regions of the globe. Furthermore, people from China, Chile, and Lebanon³⁹ were among the tiny group of people who are thought to have had a key role in the formulation of the UDHR.

It's also true that Western countries dominated the UN and the General Assembly at the time the UDHR was adopted. As a result, the General Assembly issued a number of resolutions tailored to the interests of Western states⁴⁰ during this period. When the decolonization process began, however, Western States no longer made up the majority of the General Assembly.⁴¹ In fact, the majority of current international human rights law was created after poor countries won a majority in the UN General Assembly.⁴²

³⁸ See *The Universal Declaration of Human Rights*, U.N. Doc. A/810(Iii) (1948), *Re- Printed In* Basic Documents In international Law 255 (Ian Brownlie Ed., 4th Ed. 1995). See *Generally* Nehemiah Robinson, *The Universal Declaration Of Human Rights* (1958); *The Universal Declaration Of Human Rights: A Commentary* (Asbjorn Eide ed., 1992); J.C. Salcedo, *Human Rights* (1948); *Encyclopedia Of Public International Law* 922-26 (1995); Karl Joseph Partsch, *Human Rights In General*, In I United Nations Law: Policies And Practice 603-11 (Rudiger Wolfrum Ed., 1995).

³⁹ Rene Cassin of France, John Humphrey of Canada, Eleanor Roosevelt of the United States, Hernan Santa Cruz of Chile. Charles Malik of Lebanon, P. C. Chang of China, and Fernand Dehousse of Belgium have been credited for playing the leading role in preparing the draft Universal Declaration of Human Rights of 1948.

⁴⁰ The Uniting for Peace Resolution of the General Assembly of 1950 is an example.

⁴¹ By about the mid-1960s, the developing countries had numerical majority in the UN General Assembly. See *generally* Virginia A. Leary, *The Effect of Western Perspectives on International Human Rights*, in *HUMAN RIGHTS IN AFRICA: CROSS-CULTURAL PERSPECTIVES* 15-30 (Abdullahi Ahmed An-Na'im & Francis M. Deng eds., 1990).

⁴² Examples are the 1966 Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. See *BASIC DOCUMENTS ON HUMAN RIGHTS* 114-43 (Ian Brownlie ed., 3d ed. 1992).

Since the late 1960s, many UN statements and resolutions have expressed the aspirations of developing countries. That is one reason why it is incorrect to claim that international human rights law is essentially an imposition of Western norms on other countries, or that there are "Western," "Eastern," or "African" human rights notions. Human rights are universal, worldwide, and embody humanity's goals as a whole.

The ratification record of major international human rights accords by Asian states is less encouraging than that of other regions of the world.⁴³ The Bangkok Declaration, on the other hand, shows that practically all Asian countries support all key international human rights accords.⁴⁴ Of course, when compared to other regional declarations adopted prior to the Vienna Conference, the Bangkok Declaration appears to be the least progressive, owing to a number of caveats on the implementation of international human rights norms." However, this does not imply that Asian countries have a separate human rights agenda from the rest of the world. Of fact, when compared to other regional declarations adopted prior to the Vienna Conference, the Bangkok Declaration appears to be the least progressive, owing to a number of caveats on the implementation of international human rights norms.⁴⁵

In sum, Asia's fast developing economies have signalled to Western countries that they are no longer willing to be told what they should or should not do within their borders by the West. When nations get more affluent and powerful, it is natural for them to seek out their own independent position and place in the galaxy of nations. They are no longer willing to put up with the West's interventionist mentality or accept the imposition of risky and potentially damaging social and economic policies by Western countries, whether directly or indirectly. During the Cold War, Western and Eastern bloc countries utilised human rights problems as political weapons against each other. In a sense, Asian states are attempting to do the same with the West by emphasising nebulous and possibly ambitious concepts like the right to development, which they claim is a "universal and inalienable right and an intrinsic aspect of fundamental human rights."⁴⁶

⁴³ For a comparative chart of ratification of major international human rights instruments by States see 13 NET. Q. HUM. RTS. 341-55 (1995).

⁴⁴ Bangkok Declaration on Human Rights, DPI/1373-93 (1993); Bangkok Declaration on Human Rights, Mar. 29-Apr. 3, 1993, reprinted in HUMAN RIGHTS AND CHINESE VALUES (Michael C. Davis ed., 1995). The Bangkok Declaration was adopted by the Regional Meeting for Asia and the Pacific held in Bangkok, Thailand in 1993.

⁴⁵ *Ibid.*

⁴⁶ *Id* at 42.

They don't seem to be disputing the universality of human rights, though. They can't, strictly speaking, turn the clock back. In other words, Asian countries have long been a part of the process that has resulted in universal human rights, and there is no going back. Many provisions of international human rights accords are now considered custodial rules that are binding on all States. Take, for example, the stipulations of the JDHR.

These clauses, it is largely believed, have now become part of customary international law. Indeed, Javier Perez de Cuellar, the former United Nations Secretary-General, stated in 1988 that "the gradual and growing acceptance [of the UDHR] and the evidence of general practise by the international community have led to the conclusion that the Declaration constitutes binding law as international custom, in accordance with Article 38 of the Statute of the International Court of Justice."⁴⁷ Similarly, most of the principles of the 1966 Covenants on Civil and Political Rights, as well as the Covenants on Economic, Social, and Cultural Rights, could now be considered customary international law⁴⁸ due to widespread recognition by States.

These tools symbolise not only the values of the West, but also the values of the human species as a whole. Many international human rights treaties have been adopted at the initiative of developing countries, particularly Asian countries. When the world community calls on Asian countries to comply with their commitments under international human rights treaties, it cannot be dismissed as Western attempts to impose their will on Asian countries. The provisions of these international instruments indicate the international community's opinion, which no country, Asian or non-Asian, should deviate from. They are universal rights that should be protected.

⁴⁷ P.H. KOOIJMANS, HUMAN RIGHTS, UNIVERSAL VALUES? 9 (1994) (quoting Dies Na- talis' address at the 41st Anniversary of the Institute of Social Studies on October 12, 1993).

⁴⁸ See *The International Covenant on Civil and Political Rights*, reprinted in BASIC DOCUMENTS IN INTERNATIONAL LAW 262 (Ian Brownlie ed., 4th ed. 1995); *The International Covenant on Economic, Social and Cultural Rights*, reprinted in BASIC DOCUMENTS IN INTERNATIONAL LAW, *supra* at 270; see also E.W. Vierdag, *Some Remarks About Special Features Of Human Rights Treaties*, NETH.Y.B. INT'L L. 25, 119-42 (1994); G.C. Jonathan, *Human Rights Covenants*, in *ENCYCLOPEDIA OF PUBLIC INTERNATIONAL LAW* 915-22 (1995).
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V. Conclusion

Human rights as we know them today, as expressed in declarations and ideas, also did exist in ancient and mediaeval times.... For instance, various spiritual principles, like the *Mahabharata* emphasises the value of individual liberty in the state. Its living proof can also be seen in the *Manusmriti* and *Arthashastra* on the other hand, provide a foundation for individual rights to be respected⁴⁹. It is more via emphasis on individual roles as members of communities in ancient Hindu scriptures.

However, we can witness Buddhism standing up for the oppressed in society even in ancient times. During the Buddhist period, intellectual men and women grew preoccupied with man, his image, and man's concerns on this planet. Buddhism and Jainism are examples of non-Sanskrit traditions that promote compassion for all people.

During the mediaeval period, the Bhakti and Sufi movements, in particular, spawned a slew of progressive groups centred on equality and tolerance. For instance, the Saints and Sufis of the time attempted to break society's orthodoxy by speaking out against human exploitation based on caste and gender. In India, the beginning of the modern period corresponded with the arrival of British rule and English education. As part of the national movement, there began to emerge a distinct concern for civil liberties during this time. This was mirrored in a number of other movements.

⁴⁹Surya P. Subedi, 'ARE THE PRINCIPLES OF HUMAN RIGHTS "WESTERN" IDEAS? AN ANALYSIS OF THE CLAIM OF THE "ASIAN" CONCEPT OF HUMAN RIGHTS FROM THE PERSPECTIVES OF HINDUISM' (1999) Vol. 30 California Western International Law Journal
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accessed 18 September 2024.