1. The meaning and evolution of the concept of Human Rights in India.

Ans: Human rights in India is an issue complicated by the country's large size & population, widespread poverty, lack of proper education & its diverse culture, even though being the world's largest sovereign, secular, democratic republic. The Constitution of India provides for Fundamental rights, which include freedom of religion. Clauses also provide for freedom of speech, as well as separation of executive and judiciary and freedom of movement within the country and abroad. The country also has an independent judiciary and well as bodies to look into issues of human rights.

In ancient India, the trace of the concept of human rights can be panned back from the Vedas period of the fifteen century B.C. There are wide range of stories, pronouncements found which showed the way to the concept of human rights. In Vedas, human right is signified with the concept of equality. The Charter of equality of all as defined in the Vedas in the following words-No one is superior inferior all should strive for the interest of all and should progress collectively. Kautilya beautifully sum up the concept of welfare state by saying that the happiness of the state lies in the happiness of his subjects. Under the period, the civil and legal rights first formulated by Manu but also added a number of economic rights. From the fact and stories, it is clearly revealed that the society under vedic period was well stimulated and organized and committed towards human right. In fact, the importance of human rights were well supported by Jainism, Buddhism and other minority religious group. No discussion of human rights and their roots in the ancient period is left without giving the reference of Ashoka. Ashoka inscribes, “All men are my children and just desire for my children that they may enjoy every kind of prosperity and happiness with in this world and in the next, as also as I desire the same for all men”. In fact, the king Ashoka worked day and night for the protection of human rights. It’s unfortunate that the decline of human rights were witnessed with the decline of Mauryan Empire.

As medieval period signifies the Muslim era in India. In the pre-mughal period the series of social, cultural, political and religious rights were existed but with the advent of Mughal, the Hindus were stressed badly. The concept of human rights got lost in the dark. But with the entry of Akbar’s (1526-1605) period, once again great regard given to the social, religious and political rights. In his religious policy, Din-e Ilahi (divinereligion), he tried to preach the idea of secularism and religious tolerance. Similarly, Various religious movements like Bhakti (Hindu) and Sufi (Islamic) made remarkable contribution to the emergence of human rights which at times suppressed by the other Mughal Empires like Aurangzeb, Babar, Humayun etc.

This period starts from the advent of British empire. The process of Indian administration started by the Britishers with the introduction of Regulating Act of 1773. Under it, Indian were suppressed by the Britishers completely in context to social, economical, political & religious rights in all the sphere of life. They were told that they did not deserve any rights. Basic rights such as rights to life & livelihood, right to freedom, right to expression, right to equality, right to property etc were denied to them. In such a atmosphere, the Indian leaders & people started to feel that their rights had been lost in the hands of the colonial rule, so they thought of diverting back to fight for their rights. Perhaps the first explicit demand for fundamentals rights appeared in the Constitution of India Bill 1949. The Bill guaranteed every Indian the right to expression, right to equality before law, right to property, right to personal liberty, right to education etc. A series of resolution were passed between 1917 & 1919 for demanding civil rights & equality. Another major development was drafted by “Mrs. Besant ’s Common wealth of 1925” The Bill contained a list of seven fundamental rights –

(i) Liberty of person.
(ii) Freedom of conscience & free profession & practice of religion.
(iii) Free expression of opinion.
(iv) Free elementary education.
(v) Use of roads, public places, courts of justice & the like.
(vi) Equality before the Law, irrespective of consideration of nationality.
(vii) Equality of the sexes.

The resolution was passed in 1927 which came into effect in May 1928, Motilal Nehru as its Chairman. It is known as Nehru Report which declared that its first concern of Indians was “to secure the fundamental rights that had been denied to them.” Another achievement came in context to fundamental right was the Karachi resolution adopted by the congress session held in March 1931. The decade of 1940’s was generally marked by the emergence of fundamental rights by the increased activities related to in by UN Assembly. The further stage of development of fundamental rights in Indian context was the “Sapra Committee Report” published at the end of 1945. So, after Independence, time to time various laws made, suggestions came from the various committees to enlarge the concept of fundamental rights by covering the entire human race.

2. Distinguish between the Western and non-Western concept of Human Rights.

Ans: Promotion, recognition and protection of human rights have become the most important principle of national and international governance since the establishment of the United Nations. The UDHR has inspired the inclusion of human rights provisions in many constitutional documents. It also laid the foundation for the evolution of international human rights regimes and regional mechanisms. The latter half of the 20th century can be considered as a century for institutionalising the concept of human rights. The idea of rights has not been invented by the Western civilisation. Each major civilisation, culture, religion and socio-legal system in the world had a notion of human rights and they contributed towards the emergence of contemporary concept of human rights as reflected in national, regional, and international documents. Though there were differences over the meaning and content / catalogue of rights in different cultures, the world community’s consensus on human rights is reflected in the UDHR and two Covenants. Most of the international and regional human rights treaties have implementation mechanisms and monitoring bodies to