Preface

This thesis attempts a comprehensive review of the idea of rights. My concern will be with rights that had been at the forefront of moral and political philosophy and that have been claimed as natural rights or human rights or fundamental freedoms of some other sort. Ideas of rights have been developed not as a mere intellectual diversion but in relation to the reality of human suffering and to the injustices done by man to man. In our own age the idea of human rights owes much of its popularity to peoples' revulsion against the grotesque evils perpetrated by some twentieth-century regimes.

There are many strong reasons for taking Gandhian concept of Human freedom seriously in the context of the modern view of human rights. This is necessary not only because institutions are the product of man's ideas about himself and the world he lives in but also because any change in a particular institutional pattern will fail to realise man's hope if it is not coupled with basic change in man's idea. Gandhian notion of self and society is very apt to refer in this context. It is therefore irritating to find most of the developmental theories and international institutions articulating human rights concept by
maintaining a silence on the conception of man and his view of society. Perhaps it is due to an unconscious recognition that a particular conception of development theory or a theory of politics has universal agreement. It is a strange faith since various conceptions of man compete for ascendance and recognition.

Gandhi, as a critique of modern civilization and its institutions has also provided an evaluation of the ideas on which they are founded. Gandhi has been found extremely helpful in explaining and reviewing the modern concept of human rights against the confusedly cultured up background of a variety of Western perspectives on man and society.

The study has been divided into six chapters. The first chapter "Introduction" deals with some conceptual questions pertaining to 'right', 'human rights' and 'fundamental freedoms'. It also throws light on the institutionalization of those rights, their meanings internationally, domestically and regionally. In the same discussion the Gandhian vision of these tenets has been introduced.

The second chapter "Human Rights approaches" is a brief comparison of the basic postulates of human rights doctrines. It has Natural Law theory and its interpretations in the modern age as the
ground work. The evaluation of 'rationalism' and 'individualism' finds the second place in this description. The theory of Positive law in conflict with the Socialist idea of human rights has been carefully dwelt upon. The rejection of the Natural Law by Marx and Bentham takes a crucial course of the present debate.

The third chapter "United Nations and Human Rights" aims to clarify the authentic position of the continuing international institution of human rights and their variations. This chapter also takes account of various patterns of rights embeded in the international as well as regional human rights institutions. It is very logical to put some questions of applicability of the human rights doctrine in this chapter. The nature and performance of various human rights agencies have a good deal of the running discussion.

In the fourth chapter "Human Rights and the Third World", measures have been taken to define various Third World ideologies and their perception of human rights. In this context the Third World development theory finds an important place. It is here that major approaches of human rights to the Third World have been thought inadequate and Gandhian relevance has been shown. The weaknesses of the developmental planning in the Third World and Masloy's list of
human rights are in greater contradiction. The repressive regimes also make Gandhian concept of human freedom a very important aspect to refer in the Third World.

In the fifth chapter "Human Rights in Gandhian perspective, an attempt has been made to view Gandhi as the champion of human rights in the modern age as rights and civilisation have been pertinent topics of Gandhi's writings. As Gandhi was opposed to the theory of modern state the victimization of individual by the state in relations to human rights and freedoms takes a considerable shape. The issue of self-respect and human dignity has been broadly discussed in the Gandhian perspective.

The "Conclusion", as the sixth and last chapter, is the sum total of the whole thesis which depicts the way out of the present discussion on human rights theories. It provides a Gandhian vision of human nature as well as of human rights and human freedoms. Finally, this chapter also discusses the probability of a synthesis having Western notion of human rights and the Gandhian vision of man and society and thus gives a totality of the human rights concepts.

As the hypothesis of the present work has been evolution of a compatible theory of human rights assimilating the Gandhian concept
with the modern theory of rights which is mainly Western, I have mainly relied upon the primary sources. The primary sources include the writings of Gandhi himself and the original works of leading political thinkers. For human rights the United Nations documents and resolutions have also been consulted. Analyses have most often followed the secondary sources which include books, periodicals and articles of several authors and publications. The methodology adopted in the present analyses has been historical-philosophical.

I express my deep gratitude to my guide, Dr. K.S. Jawatkar, who supervised this work with great zeal and interest. The providing of relevant materials to the topic, sometimes even out of way, have been of a great help. In finalising the thesis and correcting the errors, Dr. Jawatkar has also a formidable contribution. It was impossible to complete the present thesis without his valuable guidance and constant encouragement.

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Finally, however, I acknowledge my responsibility for all errors and omissions, if any, present in the thesis.


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