CHAPTER ONE

INTRODUCTION

1.1 Introductory

Human rights are the rights which every human being possesses by virtue of being a human. These rights are neither derived from any social order nor are conferred upon any individual by the society. These rights inherently reside in the individuals independently even prior to their participation in the society. The concept of ‘Human Rights’ is not new. It existed in all the known civilizations of the world in one form or another. As a matter of fact, ‘Human Rights’ is a twentieth century name for what has been traditionally been known as ‘Natural Rights’ or ‘the Rights of Man’. The rights of man have been the concern of all civil societies from times immemorial. However, they were not recognized by the specified name, that is, ‘Human Rights’. The roots of human rights are found deep in the many ancient cultures of the world. The Greeks were perhaps the first civilization to develop a clearly articulated and coherent body of thought that ultimately affected the modern concept of human rights. Human rights have their origin in the principle of natural law or \textit{jus naturalis}. The Greek thinkers were the first ones to develop the idea of natural law and laid down its essential features.\footnote{James R. Lewis and Carl Skutsch (eds.)(2001): \textit{The Human Rights Encyclopedia}, Vol. 2, New York: Sharpe Reference, p. 747. Also see: Kenneth Cmiel (2004): “The Recent History of Human Rights.” In: \textit{American Historical Review}, Vol. 109, No. 1 (February), pp. 117-135 and Lynn Hunt (2007): \textit{Inventing Human Rights: A History}, New York: Norton Press.} The principles of natural rights given under the natural law philosophy are the ones which are gifted to every human being which is beyond the authority of any government to dismiss. The natural rights were not particular privileges of citizens of particular cities, but something to which every human being everywhere was entitled by virtue of being human and rational.
The primitive man enjoyed a number of freedoms, however, there were no developed political institutions to give them the effect of fundamental rights. Human rights find mention in literatures of all languages and religious scriptures of different communities of the world. It shows the existence of human rights ever since the origin of the human race. Thoreau was perhaps the first philosopher known to have used the term, ‘human rights’ in his treatise *Civil Disobedience* (1849).\(^2\) However, the present concept of human rights is, broadly speaking, the result of the experiences of the World War II. The first documentary use of the expression of ‘Human Rights’ could be seen in the Charter of the United Nations which was adopted at San Francisco on 25 June 1945.\(^3\) The preamble of the U.N. Charter declared that reaffirmation of faith in fundamental human rights is one of the objects of the United Nations.\(^4\)

\(^2\) Henry David Thoreau (1942): *Civil Disobedience*, North Carolina: Hayes Barton Press, p. 11. This work has extremely been useful as the thinkers like Leo Tolstoy, Mahatma Gandhi and Martin Luther King seem to have greatly been influenced by this work. It is believed that Gandhi and King, in particular, developed their ideas on non-violent resistance to unethical government actions from this work.


Thus the development of human rights movement in India can be studied by tracing the history of the concept from the ancient times to the present times.

As regards the global history of human rights, it may be appropriate to mention that the philosophical foundations of the concept of human rights had its origin in the liberal democratic tradition of the Western Europe - a tradition which in itself is the product of the Greek Philosophy, Roman Law, the Judaeo-Christian tradition, the humanism of the Reformation and the Age of Reason. The Greek thinkers developed the idea of ‘Natural Law’ and laid down its essential features. The citizens of certain Greek city-states enjoyed such rights as isonomia (equality before law), isotimia (equal respect for all) and isogoria (equal freedom of speech). These rights till date figure prominently in the modern human rights jurisprudence.5

In the Hellenistic period,6 the Stoic philosophers formulated the doctrine of natural rights as something which belonged to all men at all times. They believed in the universal brotherhood of man. The Romans followed the Stoics closely in stressing the fundamental resemblance and equality of men stemming from their common possession of reason and from their capacity to develop and to attain virtue, notwithstanding differences in learning and ability. In

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6 Broadly speaking, the period from the death of Alexander the Great to the Roman conquest of the Greek world, roughly from 320 B.C. to 150 B.C. is called as the Hellenistic Age. Some of the literary historians, however, often call it the Alexandrian Age, because of the influence of the library established at Alexandria by the Ptolemies, the Great Rulers of Egypt. For more details, see: Encyclopedia Americana, Vol. 13 (1999), pp. 422-24. Also see: G. Woodcock (1966): The Greeks in India, London: Faber and Faber; J.M. Roberts (1993); and Waldemar Heckel (2008): The Conquests of Alexander the Great, Cambridge: Cambridge University Press.
the middle ages, the great philosopher Thomas Aquinas reaffirmed that the ‘natural law’ was higher than the positive laws and it should be obeyed by all.\(^7\)

Inspite of these concepts, the condition of man remained unchanged. Though he knew about ‘natural rights’, yet he was in shackles. This situation changed materially with the Renaissance. The *Magna Carta*, which is said to be the first milestone on the road to the liberties of the people of England was signed in 1215 AD.\(^8\) This Charter made it clear that there were certain personal and political rights of the subjects which could not be violated even by the Sovereign in whom all power was legally vested. The movement continued through repeated confirmation of the *Magna Carta*, the *Petition of Rights*, 1628\(^9\) and ultimately culminated in the *Bill of Rights*, 1689\(^10\). The *Bill of Rights* was officially titled as an Act for declaring the rights and liberties of the subjects and for settling the succession of the Crown, 1689. The Declaration of the *Bill of Rights* completed the work which the *Magna Carta* had begun. It is concerned particularly with limiting the powers of the King and safeguarding certain rights of the subjects.

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\(^8\) The *Magna Carta* is also known as ‘The Great Charter of Liberty’. It is said that the English King Johan at Runnymede accepted to grant certain rights to a particular section of his people. The *Magna Carta* is also known for its famous Clause 39 which stated as under: “No freedom shall be taken or imprisoned or banished in any way destroyed, not will we go upon him, nor send him, except by the lawful judgment of his peers or by the law of the land has been termed as the symbol of individual liberty for centuries to come.” For further details, see: J.C. Holt (1992): *Magna Carta*, Cambridge: Cambridge University Press; *The Kingfisher History Encyclopedia* (2004), Massachusetts: Houghton Mifflin Company, p. 162; and D.P. Khanna (2001): *Reforming Human Rights*, New Delhi: Manas Publishing.

\(^9\) The *Petition of Rights* is a celebrated document drawn up by the English House of Commons in 1628, setting forth grievances against King Charles I. It may be appropriate to mention here that the Third Parliament lost no time in trying to check what was held to be an abuse of the King’s power and drew up the *Petition of Rights* 1628. Charles’s First and Second Parliaments met in 1625 and in 1626 respectively. For further details, see: George Townsend Warner et.al. (1968): *The New Groundwork of British History*, London: Blackie and Sons Ltd., pp. 136-38.

\(^10\) The *Bill of Rights* was officially titled as an Act for declaring the rights and liberties of the subjects and for settling the succession of the British Crown in 1689. For more details, see George Townsend Warner et.al. (1968).
In the 17th Century, the Social Contract philosophy of Thomas Hobbes,\textsuperscript{11} John Locke\textsuperscript{12} and J.J. Rousseau\textsuperscript{13} further helped in the evolution of the concept of human rights. On July 4, 1776, the American Declaration of Independence was adopted. The significance of this Declaration lies in the assertion that all men are created equal, that they are endowed by their Creator with certain inalienable rights like the right to life, liberty and pursuit of happiness. It also declared that it is the right of the people to institute new government to protect their rights and happiness.\textsuperscript{14}

Inspired by the American Declaration of Independence, the French National Assembly in 1789 formulated the Declaration of the Rights of Man. This Declaration is an obvious reflection of the ideals, which lay behind the French Revolution.\textsuperscript{15} It further led other European Countries to provide in their laws for the protection of human rights.

The real development of the contemporary human rights jurisprudence started only during the nineteenth century which continued in the twentieth century. The abolition of the slave trade and slavery during the early 19th Century in Europe and thereafter in America led to the recognition of the basic human rights at the international level. In the first half of the twentieth century, at the close of the First World War, international concern for human rights found expression in certain provisions of the \textit{Covenant of the League of Nations}.


\textsuperscript{12} \textit{ibid.},


\textsuperscript{14} Thomas Jefferson’s following famous words in the Declaration are ominous: “We hold these truths to be self evident that all men are created equal; that they are endowed with certain inalienable rights; that among these are life, liberty and pursuit of happiness.”

\textsuperscript{15} The French Declaration of the Rights of Man and of the Citizen is known for its following famous words mentioned in Article 1: “Men are born and remain free and equal in rights, social distinctions can be based only upon public utility.” For more details, see: Lynn Hunt (ed.)(1996): \textit{The French Revolution and Human Rights: A Brief Documentary History}, Boston: Bedford.
Unfortunately the League of Nations proved to be an ineffective organization to establish peace in the world and ultimately ended in failure.\textsuperscript{16}

After the Second World War, the Charter of the United Nations Organisation was adopted with the object of protecting the weak nations from the ravages of any future war. The provision of the UN Charter concerning human rights provided a foundation for the further protection of human rights. The \textit{Universal Declaration of Human Rights} adopted by the UN General Assembly on 10th December 1948 constituted a historic event. It stated the basic hopes and aspirations that were common to all humanity living in the developed and developing countries.

To give binding effect to the \textit{Universal Declaration of Human Rights}, the UN General Assembly adopted two Covenants on 16th December 1966: (i) The \textit{International Covenant of Civil and Political Rights (ICCPR)}; and (ii) The \textit{International Covenant on Economic, Social and Cultural Rights (ICESCR)}.

Later on, a large number of conventions and declarations were successfully adopted under the auspices of the United Nations.\textsuperscript{17} Every effort has been made to observe the international standards, to ratify or accede to international human rights treaties and incorporate those in the national legislation. An attempt was also made to protect the vulnerable groups through human rights for which the Convention on the Elimination of All forms of Discriminations against Women (1979) and Convention on the Rights of the Child (1989) were passed. The idea of the regional arrangements for the promotion of human rights has also been gaining recognition since the adoption of the \textit{Universal Declaration of Human Rights}.


\textsuperscript{17} See, for example: The International Convention on the Elimination of All Forms of Racial Discrimination (1965); The Declaration on the Rights of Mentally Retarded Persons (1971); The Declaration on the Rights of Disabled Persons (1975); and The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981) etc. For further details, see: Khwaja Abdul Muntaqim (2007): \textit{Protection of Human Rights: National and International Perspectives}, Allahabad: Law Publishers Pvt. Ltd.
In present day world, it can be said that all human rights are considered to be interdependent and for the survival of one, protection of the other is very important. The United Nations is striving hard since its inception for the promotion and protection of human rights and it has achieved tremendous success in building a platform for the protection of these rights. Now it is for the member nations to take positive measures to implement these rights through their respective legal systems and thus join the international community in this noble cause.

The conception of human rights got its breed to originate and develop in the form of religion in different countries and in different times. It originated in the ideas of mercy, kindness and pity in human beings in various scriptures. There are a few thinkers who believe that the history of human rights and fundamental freedoms did not begin with the Magna Carta, 1215 in England nor the world came to know about them through Locke, Rousseau and Jefferson.

Notwithstanding anything mentioned above, perhaps the truth is that what the West has discovered about human rights now, India had embedded the same in its deep rooted tradition since times immemorial. ‘The Indian thinkers and philosophers had expressed concern to secure human rights and fundamental freedoms for all human beings everywhere since the times of the Vedic Age. In India, Vedas were the most ancient religious books to be revealed in the Aarya varta or the great land of Aryans. The Vedic ethics had idealized an equality of treatment among equals. In the Rigveda, we find reference to the three Civil

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18 The Vedic Age in India, which is considered to be the first literary source of civilization, is seen as a glorious period of cultural evolution in the ancient world. The word ‘Vedas’ signifies the knowledge of growing civilization and intimate problems of life. It is commonly said and admitted that the Vedas are not the books of law, but are the repository of culture delineating the feelings and habits of the people of the time which indicate and give vivid ideas of the legal concepts in a developed civilization. For more details, see: Werner F. Menski (2000): Comparative Law in a Global Context: The Legal Systems of Asia and Africa, London: Platinum Books.

Rights, that of *Tana* (body), *Skridhi* (dwelling place) and *Jibhasi* (life). The scriptures also tell us about the importance of the freedoms of the individual (civil liberties) in a state.\(^\text{20}\)

*Manu Smriti*\(^\text{21}\) relates all rights to duties specified by caste, age, and sex. Traditional rights then were the privileges of status and position. Manu used the Sanskrit word ‘*adhikara*’ to describe the notion of a just claim or right.\(^\text{22}\) However, only *Brahmans* had such rights. Thus, deriving a notion of human rights within the Hindu tradition required turning to the general concept of duty, or *dharma*, which was central to the Dharma Sutras. The concept of *dharma* had always governed the Indian society comprehensively. This concept dealt both with the rights as well as with the duties.

Probably the best known Indian treatise *Arthashastra* written by Kautilya not only affirmed and elaborated the civil and legal rights, formulated by Manu but also added a number of economic rights.\(^\text{23}\)

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A close scrutiny of the Buddhist period revealed that people were equal in all fields of their life. Life was more humane, liberal and repudiated class distinctions. After adopting Buddhism, the emperor Ashoka protected and secured the most precious of human rights, particularly right to equality, fraternity, liberty and happiness. Health care, educational facilities and other social amenities were perhaps the initial efforts in the direction of the realization of the social, economic and cultural rights. The Buddhist view of human rights was that being the creations of a Creator, human beings were subject only to non-deterministic causal laws and their destinies were in their own hands. Buddhism propounded that one indeed is the highest, materially, mentally, morally is one’s own master. Therefore, human beings were free to attain spiritually.

After the downfall of the emperor Ashoka, India was frequently invaded by foreigners. The Gupta King, Chandragupta II, defeated the foreigners and united India under one sovereign. The administration in this period was founded on benign principles. The last emperor of the Hindu India was Harshwardhana, who never forgot that the sole aim of the government was...
the welfare of the governed. All Hindu rulers guaranteed their subjects the right to live life according to the Hinduism, Buddhism and Jainism. The downfall of the Hindu kings gave rise to the advent of the Muslim Rule in India.

The advent of the Muslims marked the beginning of a distinct phase in the Indian thought and society. The Islamic thought was primarily centered on the teachings of the Prophet Mohammad and the belief in the universality of the law of the Quran. The followers of Islam settled in India in large numbers, but, generally speaking kept themselves aloof from the normal current of the social and religious life of the country. Although Islam touched Hindu life, and was itself touched by Hinduism at many points. The reaction produced by the one upon the other is not always easy to determine, and the task has been rendered more difficult by passions and prejudice, and pressure of extraneous considerations. Although under the rule of some of the Delhi sultans, there was persecution, and we read of temples being razed to the ground and Brahmans put to death for practicing their devotions in public; however in general the Muslims were reasonably tolerant, and at all times Hindu chiefs continued to rule in outlying parts of India, paying tribute to their Muslim overlords. Conversions to Islam were numerous, though only in a few regions were the majority of Indians persuaded to embrace the new faith. Hindus in those parts of India dominated by Muslims often accepted the situation as normal. The state under the Delhi sultans was Islamic which means that the sultans did not allow any open violation of the Islamic laws and appointed Muslim divines to profitable offices of state and granted revenue free lands to many of them. However, at the same time, they did not allow the Muslim divines to dictate the policies of the state.


The Delhi Sultans were succeeded by the Mughals. Although the Mughal Government could be typically characterized as centralized despotism, its judicial administration contained all the basic elements of modern doctrine of due process of law, fair trial and independent judiciary. Under the Mughal Rulers, especially with Akbar, a new era began in the medieval history of India in the field of human rights, with the policy of universal reconciliation and tolerance. Akbar offered equal treatment to people belonging to different religions and he himself respected all faiths.

This period also witnessed the growth of the Sufism and the Bhakti movements, that gave a phillip to the concept and practice of human rights. The Bhakti doctrine preached human equality. It dreamt of a society based on justice and equality in which men of all creeds would be able to develop their full moral and spiritual faculties. The sufī orders had an influence

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on the teachings of the Sikh gurus. The teachings of Guru Nanak convinced even his critiques about the virtues of equality, freedom and tolerance, without which human rights cannot flourish in any country. He even espoused the cause of women. Guru Gobind Singh, the tenth Guru of Sikhs, further magnified the secular ideas of the Sikh faith. However, the trend was reversed by Aurangzeb and his successors who reverted in due course to the more

34 Sufism can be described broadly as the intensification of Islamic faith and practice or the tendency amongst Muslims to strive for personal engagement with the divine reality. The Arabic term ‘Sufi’ has been used with the wide variety of meanings over the centuries. However, the original sense of sufi seems to have been “one who wears suf (wool), since the early ascetics of Islam (sufis) are said to have worn coarse woolen garments to symbolize their rejection of the world. For more details, see: John. O. Voll and Kazuo Ohtsuka (eds.): The Oxford Encyclopedia of the Islamic World, Available at http://www.oxfordislamicstudies.com. Accessed on 22.10.2011. Also see: Annemarie Schimmel (1975): Mystical Dimensions of Islam, North Carolina: Progress Publishers, pp. 3-22; S.A.A. Rizvi (1978): A History of Sufism in India, New Delhi: Munshiram Manoharlal; Arthur John Arberry (1992): An Introduction to the History of Sufism: Sir Abdullah Suhrawardy Lectures of 1942, New Delhi: Orient Longman; and Titus Burckhardt (2008): Introduction to the Sufi Doctrine, Indiana: World Wisdom Inc. Bloomington.


36 Guru Gobind Singh was the founder of the Khalsa Panth who preached truthfulness, humility and sincerity and fought against the religious fanaticism, caste distinctions and superstitious beliefs. He awakened his followers to a new life in which he exhorted them to uphold the right and condemn the evil and his whole life was spent in the practice of these percepts. For further details, see: Karam Singh Raju (2011): Guru Gobind Singh: The Prophet of Peace, New Delhi: Sanbun Publishers, p. 26. Also see: J.S. Grewal and S.S. Bal (1967): Guru Gobind Singh, Chandigarh: Panjab University Chandigarh and Hari Ram Gupta, History of the Sikhs: The Sikh Gurus (1469-1708), New Delhi: Munshiram Manoharlal Publishers.
common Muslim practice of aggressively promoting the tenets of that faith by force if necessary.\textsuperscript{37}

The transition from the medieval to the modern period has resulted in a remarkable change in the Indian History. With the advent of the British Rule in India, the new era started which created ripples in political and legal spheres leading to the imposition of the British political and legal culture on India.\textsuperscript{38} The British government in India had not only deprived the Indian people of their freedom but had based itself on the exploitation of the masses and ruined India economically, politically, culturally and spiritually.\textsuperscript{39} After witnessing the evils of the colonial rule, every Indian was of the firm opinion that the recognition, protection and implementation of human rights were not only basic but also inalienable for them for leading a civilised life.

Raja Ram Mohan Roy stood for women rights and denounced the many injustices and ill treatments to which the Hindu women were subjected to in those days.\textsuperscript{40} It was due to his

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\textsuperscript{40}For further details, see: J.K. Majumdar (ed.)(1941): *Raja Rammohan Roy and Progressive Movements in India: A Selection from Records (1774-1845)*, Calcutta: Brahmo Mission Press; Bruce Carlisle
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efforts that the legislation against the evil and heinous practice of sati was passed in the year 1828. He was passionate towards the concept of ‘Right of Liberty’ and ‘Right to Freedom of Thought and Expression’. It was due to these catalytic thoughts and actions that he can reasonably be regarded as the founding father of the Human Rights Movement in modern India.

Having been a witness to the French Revolution, he pleaded for the freedom of press and freedom from the drain of India’s wealth to England. He even espoused the rights of the people of other countries. Furthermore, Ishwar Chandra Vidyasagar, a social reformer and an educationist, gave shape to the idea of widow remarriage.41

The first explicit demand of the people of the Indian sub-continent for fundamental rights found place in the Constitution of India Bill, 1895 also known as the ‘Home Rule Document’. It talked about a Constitution guaranteeing everyone of the citizens the basic human rights like freedom of expression, inviolability of one’s own home, right to property, equality before law etc. A series of resolutions were adopted later on that demanded for civil rights and equality of status with the English men.

The Nationalist Movement and birth of the Indian National Congress were the direct results of the various atrocities of the British Government against the Indians. The Indian National Congress was founded in 1885. The Indian desire for civil liberties and demand for the constitutional guarantees of fundamental rights was implicit in its formation. Thus, the national struggle for freedom from its early stages in its practical manifestation was largely directed against racial discrimination and to secure basic human rights for all the people. It was Mahatma Gandhi who applied the methods of Satyagraha42 and Swadeshi43 for obtaining human rights.


Translated by its originator as “the force which is born of Truth and Love or non-violence,” the term was coined first to describe the movement of Indian resistance in South Africa against discriminatory legislation passed in 1906 known as Asiatic Registration Act requiring all Indians to register and carry passes. Mohandas Karamchand Gandhi chose the term in preference to “passive resistance”
from the colonial government in South Africa and India. Under his effective leadership, the nationalist movement became a mass movement and social reform for preservation and promotion of human rights became an integral part of the India’s freedom struggle. The abolition of untouchability and *Harijan*’s rights for entry to temples were indeed very important milestones in the annals of the human rights movement in the modern India.  

The Indian National Congress in 1927 demanded incorporation of a declaration of fundamental rights in any future constitutional work. In 1928, a committee under the chairmanship of Motilal Nehru reported that the first concern of Indians was ‘to secure fundamental rights’ that had been denied to them.  


The famous Karachi Resolution of 1931 on ‘Fundamental Rights and Social Change’ clarified the goal and added another dimension to the demand of constitutional rights. The Government of India Act, 1935, in pursuance of the demand of fundamental rights guaranteed equality of opportunity in the public services regardless of race or religion. The British Cabinet Mission in 1946 recognized the need for a written guarantee of fundamental rights in the Constitution of India. Before it could be materialized, the shadow of partition fell heavily on India. The major political parties accepted partition. The British parliament swiftly implemented this decision by passing the Indian Independence Act, 1947.

India got independence on 15 August 1947. On 10 December 1948, when the Constitution of India was in the making, the General Assembly of the United Nations Organization proclaimed and adopted the Universal Declaration of Human Rights, which definitely influenced the framing of the Indian Constitution. It was, as a matter of fact, a landmark achievement in the evolution of human rights. Finally, the Constitution of India was promulgated on 26 January 1950 in which human rights were incorporated in the form of Fundamental Rights and the Directive Principles of State Policy enshrined in Part III and IV of the Constitution respectively covering almost all the essential civil, political, economic, social and cultural rights. Further, in the succeeding years, some important events with respect to the recognition of the human rights took place. Various laws have been made by the Parliament and State Legislatures which include the Protection of Civil Rights Act, 1955; the Immoral Traffic (Prevention) Act, 1956; the Dowry Prohibition Act, 1961; the Equal Remuneration Act, 1976; the Bonded Labour (System) Abolition Act, 1976; the Indecent Representation of Women (Prohibition) Act, 1986; the National Commission for Women Act, 1990 and the National Commission of Minorities Act, 1992.

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48 ibid., pp. 7-8.
The two international conferences, that is, the Tehran Conference (1968)\(^{49}\) and the Vienna Conference (1993)\(^{50}\) were held respectively in which the commitment of the international community for the promotion and protection of human rights was renewed. Till then India had no national institution for the preservation of human rights. The Government of India had fully realized that mere declaration of rights will not be of much use unless there was proper machinery for enforcement. Thus by taking inspiration from these developments, the Government of India enacted the *Protection of Human Rights Act, 1993* which was extended to the whole of India and which provided for the better protection of human rights.\(^{51}\) It also envisaged the establishment of three institutions, namely, the National Human Rights Commission (NHRC); State Human Rights Commissions; and Human Rights Courts. It was meant for dealing with the complaints related to violation of human rights and ensuring their enforcement and implementation. Besides protecting human rights, the National Human Rights Commission which came into being in 1994, has also been playing a pivotal role in developing a culture for human rights in the country. It has built an edifice of human rights accountability on the foundation of autonomy and transparency. Since its establishment, NHRC has been getting nearly 50 per cent of the total number of complaints relating to the violation of human rights. This suggests that people have reposed their trust in its working.\(^{52}\)


\(^{51}\) Act No. 10 of 1994. According to the Prefatory Note, the *Protection of Human Rights Act, 1993* is “An Act to provide for the Constitution of a National Human Rights Commission, State Human Rights Commissions in States and Human Rights Courts for better protection of human rights and for matter connected therewith or incidental thereto.” The Act is deemed to have come into force on 28 September 1993 when the Ordinance No. 30 of 1993 was promulgated by the President.

The Vienna Conference had also recognized the important role played by the Non-Governmental Organizations in the effective implementation of all human rights instruments. They have proved to be true partners of the United Nations, not only in mobilizing public opinion, but also in the process of deliberation, policy formation, and in the execution of policies. The contribution of all these institutions to the human rights movement can be judged from the fact that human rights are no longer confined to the domestic jurisdiction but a violator of human rights can be hauled up in the international arena. Thus we see that they have been acting as a catalyst not only in creating people’s awareness of human rights but also in generating administrative concern for human rights in contemporary India.
1.2 Object and Purpose of the Study

The study being undertaken is essentially an inter-disciplinary study having an in depth interface of history and law. It shall help us in understanding the concept and nature of human rights and their evolution through various stages of history. In the present study, I have endeavored to trace the history of the Human Rights Movement through the various stages of human civilization, that is, the Ancient, the Medieval and the Modern periods of Indian History. Besides, I have also tried to look at the growth and consolidation of Human Rights Movement in the Western World during the different periods and how the growth of this movement have helped in shaping the human rights movement in India. I have also attempted to demonstrate as to how this social movement of human rights helped making the society advanced and sensitive to the needs and aspirations of the unprivileged or underprivileged constituents of the society. Finally, by evaluating the historical growth of the Human Rights Movement, I have tried to portray the future of the human rights in India.

1.3 Review of the Existing Literature

If one goes by the literature available on the topic, one reaches an inescapable conclusion that up to the adoption of the Universal Declaration of Human rights in 1948, systematic human rights studies were few and far between; the next twenty years saw the proliferation of institutes, publication of journals, and starting of degree programmes, resulting in the professionalization of the field. However, from the late 1980s to today, a third generation of scholar-activists earned degrees and became active in human rights NGOs, teaching, and publishing. Most scholars whose books have been reviewed by the present researcher belong to the third generation.

Margot Salamon\textsuperscript{53}, a Professor of Human Rights at the London School of Economics has produced a wonderful book entitled: \textit{Global Responsibility for Human Rights} that seems to be the culmination of years of research, study and her participation in various UN institutions. In her book, Salomon builds on and contributes to a long tradition that seeks to define the normative basis for international justice. Within the broad reflection on the conditions for the decent treatment of peoples everywhere, Salomon narrows the focus to the corpus of

international human rights law and more specifically to the right of development and its potential role in mitigating world poverty. Her dual objectives - a broad reflection on the contribution of international law to international justice and a narrow focus on the right to development in the United Nations institutional setting - are daunting. Nevertheless, she succeeds well in both her enterprises. Salomon makes a strong case for global justice, using the full arsenal of preferred source of human rights but also in the pronouncements of treaty bodies, whether in general comments or in concluding observations on states parties’ reports. Through the analysis of these texts and their interpretation, she argues that states have a negative duty to avoid hindering the right to development and a positive duty to ensure international enabling environment favourable to this right.

Peter Baehr\(^{54}\), an Emeritus Professor of Human Rights at the Utrecht University and at Leiden University at the Netherlands, in his thought provoking book entitled: **Human Rights: Universality in Practice** has argued that though human rights “are a matter of law, but they have increasingly become a matter of politics as well.” (p. 1) He goes on to state that though “much lip service is paid nowadays to the notion of human rights”, these human rights “are being violated all over the world. Notwithstanding the fact that the question as to what extent human rights are universal is the general overall theme of the book, Baehr has discussed in detail at least six controversial themes that, according to him, are at issue in the current debates about human rights. These are: (i) issue of the universality of human rights; (ii) promotion of economic, social and cultural rights; (iii) place of collective human rights; (iv) issue relating to the dealing of past violations of human rights; (v) role of multinational enterprises in guarding the observance of human rights; (vi) violation of the human rights of the refugees and the displaced persons. Baehr argues that though concern for human rights is permanent in nature, nobody ever does enough on behalf of human rights. According to him, the implementation of human rights principles should be permanently watched and that should be everybody’s task.

**Human Rights and Social Justice** by Joseph Wronka\(^{55}\) is an excellent work and an important contribution to social justice theory and practice. In his book, Wronka has

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presented a sound and solid argument that human rights, as proclaimed in 1948 by the United Nations in the Universal Declaration of Human Rights, ought to serve as the foundation for socially just ways of life. Many crucial notions embedded in the Universal Declaration, such as human dignity, non-discrimination, meaningful work at living wages, social and economic security throughout all stages of life, and a just and global order conducive to the fulfillment of people’s needs and the actualization of their innate potential, are reminiscent of millennia of teachings in various religious, philosophical, and historical traditions that urge us to ‘love thy neighbour as thyself’. The book works on the assumption that the idea of human rights is the cornerstone or the bedrock of social justice. This powerful social construct, emerging from the ashes of the Second World War, can serve as a set of guiding principles to create a human rights culture, a ‘lived awareness’ of human rights principles that can serve as the foundation for a socially just society. Human rights provide the legal mandate to fulfill human need. However such a mandate if fruitless without a general consensus, that, indeed, these principles are worth pursuing. Only values that are chosen, not forced, endure. And the choice must be not be merely intellectual or cognitive, but heartfelt, and the culture will live or die on its own merits. (p. xix) The book provides a valuable framework for the (human rights) scholars, activists, and practitioners to be conscious of global interconnectedness, so that efforts to improve the human conditions will consistently promote comprehensive human rights for every person, everywhere. (xviii)

The author Micheline Ishay\(^{56}\) needs to be credited for having recounted the dramatic struggle for human rights across the ages in a book entitled: *The History of Human Rights: From Ancient times to the Globalization Era*, that brilliantly synthesizes historical as well as intellectual developments from the Mesopotamian Code of Hammurabi to today’s era of globalization. It is a definitive account of the history of human rights told from the perspective of those struggling for them. The book under review is a definitive account of the history of human rights told from the perspective of those struggling for them.

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The book documents various connections between ancient values and modern human rights. Notwithstanding the different rituals and moral priorities associated with each of these traditions, all share basic views of a common good. This of course should not imply that all individuals were perceived as equal under any ancient religious or secular aegis. From Hammurabi’s Code to the New Testament to the Quran, one can identify a common disdain toward indentured servants or slaves. While emphasizing a universal moral embrace, all great civilizations have thus tended to rationalize unequal settlements for the weak or the “inferior”. Yet while such similarities are noteworthy, they should not overshadow one of history’s most consequential realities: it has been the influence of the West, including the influence of the Western concept of universal rights, that has prevailed.

The book has indeed been written in a systematic manner, for each of the chapters is divided into four corresponding parts: a historical background focusing on select critical events that helped launched the most important human rights campaigns; the main human rights themes of each period, broken down into several sub-sections; a review of the debate, within each period, over acceptable ways to promote human rights; and a discussion of the inclusiveness of the prevailing views of human rights during each period, that is, a chapter-by-chapter response to the question, human rights for whom?

In sum, the book attempts to provide a useful path for navigating through the main historical events, speeches and legal documents that led upto the ratification of the Universal Declaration of Human Rights, 1948. I would like to conclude by stating that for the scholars, students, activists, and the wider community concerned with human rights, the history depicted in this book can help illuminate the controversies and commonly held misconceptions that continue to beset the human rights debate.

Christian Tomuschat’s\textsuperscript{57} book entitled: \textit{Human Rights: Between Idealism and Realism} reflects the lectures which the author delivered at the Academy of European Law of the European University Institute in Florence. The book provides an overview of international protection of human rights concerning both its substantive as well as its procedural aspects. After examining briefly the history of human rights, the author analyses the intellectual

framework that forms the basis of their legitimacy. In particular, he covers the concept of universality and the widely used model that classifies human rights into clusters of different ‘generations’. Tomuschat places huge emphasis on issues of principle, such as the history of human rights or their universality and on the reality of human rights. How human rights are enforced, and what they mean in practice for the human being, are the pivotal orientation marks of the present work. It is one of the interesting works that I could lay my hands on.

*International Human Rights Law: An Introduction* by David Weissbrodt and Connie de la Vega is also another authoritative work on the subject. In this book, in the first place, the authors trace basic history of human rights law by looking at the developments prior to the First World War and the advent of the League of Nations and the International Labour Organisation. They then trace developments during the period between the First World War and the Second World War, and finally, the holocaust and the Second World War as the events that prompted the modern movement to protect human rights, principally through the United Nations. They also discuss human rights particularly in the context of international law by looking at the institutions and procedures for protecting against or remedying human rights violations. The authors provide not only an overview of the United Nations and its various structures, but also address other sources of human rights law. According to them, and rightly so, human rights are protected also through humanitarian law, including the Geneva Conventions and Protocols as well as by the international criminal law. The book also focuses on several regional human rights systems, particularly in Africa, Europe, and the Western Hemisphere, as well as national human rights institutions and nongovernmental organizations. Thus the present book helps one in understanding many important aspects of human rights.

Samuel Moyn is a professor of history at Columbia University and has written a book entitled: *The Last Utopia: Human Rights History* on human rights from historical perspective. Although his insights are situated in the fields of sociology and history rather than law, nevertheless they are very useful to understand the connections between the

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expectations of society regarding human rights, and the legal interpretation of these norms. Western countries at first, now joined by many non-western ones, have adopted what can be called a human rights culture. Human rights have become the ideal, our way of reaching out for the “right” society. The notion that human rights are the current social ideal is well described by Samuel Moyn, a leading scholar on the history of human rights. In a recent book on human rights, the author demonstrates how human rights are in fact the “last one standing” in terms of ideology. He feels that human rights in their current form cannot be traced to natural rights or the enlightenment era. At the same time he also dismisses the antislavery campaign and the development of the laws of war in the nineteenth century because neither was explicitly framed in terms of human rights. However I do not completely subscribe to his framework in which he tries to put forward his arguments. His work seems to be a broken history of human rights, in which the contemporary meaning of human rights emerged only in the 1970s and that too because of the failures of other utopian schemes and institutional framework, whether communism, revisionist socialism, decolonisation or the United Nations as a central human rights forum. He expresses his view that human rights were completely irrelevant before 1970s.

*International Human Rights and Humanitarian Law: Treaties, Cases and Analysis* by Francisco Forrest Martin et.al. is another authoritative work on the subject that introduces the reader to the international legal instruments and case law governing the substantive and procedural dimensions of international human rights and humanitarian law, including economic, social, and cultural rights. One also finds in this book a detailed discussion on the history, and organizational structure of human rights and humanitarian law enforcement mechanisms. The greatest merit in the work is that it seeks to integrate the fields of international human rights law and international humanitarian law thereby addressing the theoretical issues facing contemporary international human rights and humanitarian law and its enforcement.

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There is another authentic book entitled: *Philosophy of Human Rights* by Ayatullah Javadi Amuli⁶¹. The author believes in the difference in principle of human rights seen in Islam and by the West. He believes that defining human rights depends on people’s world-vision. As a Muslim Scholar and thinker regards God as the source of everything and the manifestation of the Almighty, he cannot consider rights for man outside the Divine realm. In his view, the ultimate goal of man’s life is the reaching of the Almighty and man possessed of knowledge desires to realize God’s will and act and find way to reach Him. Hence, there are no rights for man except those arising from God’s will. He stresses that human rights cannot be formulated through agreements or traditions and customs. The author believes that man cannot gain a common and universal source, which can determine human rights. In other words, man cannot determine human rights, for man has to break the chains of nature to achieve solidarity. According to the author, by using the Divine nature and law, people can achieve the true source of human rights.

*Study of the Two Systems of International Human Rights in the West and Islam* by Ayatullah Muhammad Taqi Jafri⁶² is another authentic work on the subject of human rights in Islam. In this book, the author discusses the two systems of human rights in the West and the human rights in Islam due to the existence of two declarations of human rights, that is, the Universal Declaration of Human Rights and the Cairo Declaration of Human Rights in Islam. In practice, he believes in the existence of the two systems, but does not see any fundamental difference between them. In his opinion, man’s awareness of his natural rights has caused the emergence of the concept of human rights. This is what the divine religions are based on. The divine religions are based on human nature, which is the nature of man. He states: “Since man acquired knowledge of the common aspects of life among his fellow-beings and realized the necessity of social life he has understood the first principles of his inherent rights. The criterion for the first natural rights includes the protection and organization of human life in their two fundamental dimensions, absolute natural life and good life. The first principle that man has an inherent right, is the right to life officially

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accepted by all religions, laws and regulations. Good life has four fundamental principles which include the right to dignity, education, freedom and equality before the law. These principles are based on the most original Islamic source which completes all other divine religions.” The writers brings different historical evidence implying that human rights exist in the very nature of man and throughout the history the principles of natural rights of man have entered into the minds of the intellectuals, laws and human culture. In his opinion, the foundation of what takes shape in divine religions does not contradict man’s inherent rights. According to him, man’s dignity is so vast that only a supernatural law can describe it. He concludes his argument by saying: “The basis for human rights in the West is compromising co-existence with peace, freedom and justice in human societies and, of course, no one can question the idealistic aspect of these affairs. However, as we shall see, the claim to the necessity of these principles with the help of inherent feelings of man has not satisfied the very basic human need for creating a world in which everyone may consider themselves as members of one family, for such a claim should be based on a more sublime basis which is God.” Thus the author does not question the inherent nature of human rights, but believes that these rights are so sublime and fundamental that man’s attempts for providing them have not been enough and only the divine utterances can achieve this goal.

In his different books and articles, another scholar Husain Mihrpur63 discusses similar viewpoint. He holds that Islam officially recognizes man’s inherent value and dignity and accords special attention to his equality and freedom. In his book entitled: *Human Rights in International Documents and the Position of the Islamic Republic of Iran*, he states, “Man’s freedom and respect for his dignity and rights without any limitation such as race, language, colour, nationality, etc. have been accorded much attention in Islam and that the main mission of the prophets especially the holy Prophet of Islam has been to emancipate man of these bonds and induce him to consider his dignity and value.” Therefore, gaining back man’s dignity and the fundamental rights and freedoms is not only the principle but also the goal of Islam and the Quranic verses testify to this fact. There are not fundamental differences between the officially recognized rights in the Universal Declaration and the Islamic thought. In this regard, Mihrpur states: “It can be explicitly claimed that almost all

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the fundamental rights set forth in the Universal Declaration of Human Rights exist in the Islamic system and in most cases, have been excellently done.” Thus, the Islamic thought conditionally accepts the rights set forth in the Universal Declaration. Mihrpur holds that human rights are accepted in Islam and there are no fundamental differences between them. However, there is an additional emphasis or tendency in Islam based on which some of the principles which ignore religious aspects are rejected.

New Dimensions and Challenges for Human Rights is an edited work (collection of articles) by Janusz Symonides. The book contains articles written by well-known specialists coming from different regions of the world, which according to Symonides, “may be seen in itself as a confirmation of the universality of human rights.” The book presents the interrelation and interdependence between human rights and peace, democracy, development and environment. It analyses obstacles and threats to human rights at the dawn of the twenty first century and suggests ways and means to overcome them. The book contains twelve articles on diverse topics entitled: (i) New Human Rights Dimensions, Obstacles and Challenges by Janusz Symonides; (ii) Human Rights and Peace by Vojin Dimitrijevic; (iii) Democracy and Human Rights: Civil, Political, Economic, Social and Cultural by David Beetham; (iv) The Development of the Right to Development by Upendra Baxi; (v) Human Rights and the Environment by Antonio Augusto Cancado Trindade; (vi) Human Rights and Extreme Poverty by Louisi-Edmond Pettiti and Patrice Meyer-Bisch; (vii) Discrimination, Xenophobia and Racism by Rudiger Wolfrum; (viii) Human Rights and Tolerance by Claudio Zanghi; (ix) Terrorism and Human Rights by Colin Warbrick; (x) Human Rights and Scientific and Technological Progress by C.G. Weeramantry; (xi) Globalization and Human Rights by Virgina A. Leary; and (xii) Education for Human Rights by Vitit Muntarbhorn. In this book, the emphasis has been placed on the fact that the creation of a universal culture of human rights though education and public information is an essential element in making human rights a reality for all. According to Symonides, the collection “does not provide ready solutions to all the problems, but its aim is to raise public awareness and to contribute to the current debate” concerning human rights.

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Human Rights: New Perspectives, New Realities is another wonderful edited work by Adamantia Pollis and Peter Schwab. This is again a collection of articles that reflects nearly two decades of developments in human rights scholarship in the western world, revisiting the debate between the universalists and the cultural relativists and also engaging new notions of the “third generation” rights. It sets out a comprehensive overview of the numerous issues that are likely to be on the human rights agenda during this millennium. The book begins with an analytical framework that encompasses changing perspectives on human rights and informs the chapters that follow. The case studies then address specific human rights issues both globally and in particular regions and countries. The final chapter considers the impact, negative and positive, of globalization on human rights, as well as the effect that human rights doctrines and practices may have on the processes of globalization. The book is comprehensive, though not exhaustive; it is representative of some of the most recent human rights issues.

In addition to a large number of books on the subject of human rights in general and on the historical developments relating to the topic in particular, including the above mentioned ones, I have also gone through a huge number of scholarly articles, book reviews, monographs, research papers, and write ups on the topic. I would, therefore, like to mention some of these that proved to be a rich source material for my study and research.

Manisha Panwar in her article entitled: “Human Rights in Ancient India and Universal Declaration of Human Rights” published in the Legal News and Views has dealt with the position of human rights in the ancient India. According to Pawar, human rights are more a philosophical or moral concept than a legal one and she has traced the origin of today’s human rights ideology in the 17th century liberalism. Besides dealing with the civil, political, economic and cultural rights, the author has also discussed the third generation human rights.

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K. Sehaiah and G. Haranath\textsuperscript{67} in their article entitled: “The Ancient Wisdom of Human Rights and Duties in Global World” published in the \textit{PRP Journal of Human Rights} have discussed about the ancient wisdom of human rights. Their main argument is that rights and duties go together and it is futile to talk about rights in isolation. They are of the view that the ancient wisdom has not mentioned much about the human rights. Rather it emphasized the duties in different forms.

One of the most informative articles that I came across while collecting the research material was entitled: “\textit{Human Rights Movement in India}” by Niranjan Sahoo published in the book entitled: \textit{Human Rights, Gender and Environment} by Tapan Biswal.\textsuperscript{68} In this scholarly write up, the author, besides tracing a short history of global human rights movement, has also traced the history of the human rights movement in India. He has referred to the position relating to human rights as it prevailed during the British period, during the freedom movement and during the post-independence period. The author’s depiction of the relationship between the human rights movement and judicial activism and public interest litigation makes it an interesting reading. And finally the author has posed some challenges for the new movement of human rights.

In their article entitled: “\textit{Historical Foundations of Human Rights}” published in the \textit{M.D.U. Law Journal}, the learned authors B.R. Sharma and Pratima Sharma\textsuperscript{69} have dealt with the nature, meaning and concept of human rights. After that they have traced the evolution of human rights during the different periods, that is, during the ancient times, during the middle ages, prior, during and after the two world wars etc.etc. This article was quite informative from the point of view of my research work.

Another article which the researcher found as quite informative as well authentic was a joint piece written by Gurjeet Singh and Dinesh Kumar\textsuperscript{70} in the \textit{Indian Socio-Legal Journal} and that was entitled as: “\textit{Human Rights: A Historical Perspective.}” I found this as a well

\begin{itemize}
\item \textsuperscript{68} Tapan Biswal (2006): \textit{Human Rights, Gender and Environment}, New Delhi: Viva Books.
\item \textsuperscript{70} Gurjeet Singh and Dinesh Kumar (2005), pp. 25-44.
\end{itemize}
researched piece containing about two hundred references. They have depicted the scenario of human rights in the ancient India, scenario during the post-vedic period, during the Islamic era and during the post-independence India. The best part of the article is that besides dealing with the history of human rights in India, the authors have also traced the history of human rights in the Greco-Roman Period and human rights in the Middle Ages.

I had come across a very informative and well researched article by an eminent historial Kenneth Cmiel\textsuperscript{71} who in his article entitled: “The Recent History of Human Rights”, published in the book entitled: The Human Rights Revolution: An International History edited by three eminent authors, namely, Akira Iriye, Petra Goedde and William Hitchcock. Kenneth Cmiel, a professor of history at the University of Iowa, in this article, has expresses that human rights history cannot be separated from globalization and he further encourages the scholars to further explore human rights from a variety of perspectives. Written in lucid style this article is one of the best readings on human rights and Kenneth Cmiel deserves appreciation for contributing something substantial to the field of human rights as a historian. It demonstrates the richness of those new perspectives when states, organizations, and individuals struggled to make sense of the language and scope of human rights, and since the 1960s, when human rights campaigns turned global.

It goes without saying that like from the books, I have immensely been benefited from the articles that I have collected and reviewed. On the basis of the review of literature done, I am of the confirmed opinion that there is a considerable research gap that exists in the field. Although there are a large number of studies available on the subject of human rights, I have not yet come across any in depth study on the aforesaid subject that links history with the prediction for future. I have, therefore, made a modest attempt to do so and I have a reason to believe that my study shall be one amongst the pioneers in the field and it shall certainly be an addition to the existing literature on the subject.

The present researcher is essentially looking at the growth and consolidation of the human rights movement in the modern India. As a matter of fact, even though apparently speaking,

the human rights movement owes a lot to the western world, it is altogether a different fact that the present research has attempted to demonstrate that the seeds of human rights movement were available in the ancient Indian history and philosophy. And on the top of it, I have endeavored to lay down that even western world owes a lot to the Indian stances on human rights, a proposition which indeed might be interesting for the successive researchers working in this field.

As regards the inter-disciplinary relevance of the present topic, it may be appropriate to mention here that human rights have primarily been considered as a field of law. There is no denying the fact that a lot of published work on the topic of human rights is available in the books, journals, and periodicals relating to the discipline of law. Nevertheless, some authentic literature is also available in the books relating to history focusing on the evolution and development of the concept of human rights in India form time to time. I am of the view that by doing research on an inter-disciplinary topic, I shall be able to break new grounds in the arena of human rights.

1.4 Data Base and Methodology

The present study is a descriptive and an analytical one. To conduct this research, I have used primary as well as secondary sources. These inter alia, include Books, Journals, Newspapers, Monographs, articles etc. etc. Whereas some of the basic sources like International Charters, Covenants, Declarations, Protocols and Treaties are available in original, I have visited number of libraries and documentation centres for collecting literature from historical and legal viewpoints. These, inter alia, include the libraries of the Indian Law Institute (ILI); Indian Society of International Law (ISIL); International Committee of Red Cross (ICRC); Jawaharlal Nehru University (JNU); National Human Rights Commission (NHRC); Indian Council of Social Sciences Research (ICSSR); Indian Council of Historical Research (ICHR); Guru Nanak Dev University Library, Amritsar; Library of Punjabi University, Patiala.

1.5 Major Research Questions

An attempt has been made to seek answers to the following research questions:
(i) What is the concept of ‘Human Rights’ and how did it originate?

(ii) How did the global human rights movement pave the way for the growth of human rights movement in India?

(iii) What was the position of human rights during the Ancient Period?

(iv) What was the position of human rights during the Medieval Period?

(v) What was the position of human rights in the Pre-Independent India?

(vi) How did the human rights movement emerge and get consolidated in the Post-Independent India?

(vii) How does the human rights movement help in making the contemporary society advanced and sensitive to the needs and aspirations of Indians?

(viii) How do you visualize the future of Human Rights in India?

1.6 Significance and Likely Contribution of the Study

Any study that is based on the research conducted by way of an in-depth examination of the original sources carries a lot of importance. The present study, being an inter-disciplinary one, is unique in itself as it is likely to be of immense significance to the scholars and researchers working in the field of History and Law alike.

1.7 The Chapterization Plan

The present study comprises Seven Chapters:

**Chapter One** is Introductory in which the researcher has given a brief introduction to the topic of human rights. Besides it also includes Review of the Existing Literature, Object and Purpose of the Study, Data Base and Methodology, Chapterisation Plan and Major Research Questions focusing on different chapters.

**Chapter Two** attempts to trace the history of human rights from the ancient civilizations across the world. All the important landmarks starting from the Magna Carta (1215) which is said to have inaugurated the era of the declaration of fundamental rights till the establishment of the United Nations after the Second War have been taken up in detail. An attempt has also
been made in this chapter to cover up the Post-Second World War developments of the human rights movement at the international level. The researcher has also endeavoured to emphasize on the phenomenon of the Cold War and its impact on the human rights movement. In the end, a few alternatives have been suggested keeping in view the present challenges, to consolidate the human rights movement at the international level.

**Chapter Three** focuses on tracing the roots of human rights in the Ancient and in the Medieval India. It also aims at demonstrating the great human rights values that are implicit in the Indian culture since times immemorial. Alongwith that, it endeavours to make a modest attempt to reveal that the concept of rights is neither a gift from the West nor a typical Western monopoly of wisdom; its origins are very much rooted in the ancient Indian civilization.

**Chapter Four** focuses on the role of the social reformers in protecting and promoting the basic rights of the people, an on various landmarks which helped in nurturing the movement for human rights and the growth of Civil Liberties Movement which often coalesced with the general national current for its Anti-British content and the movement for national liberation.

**Chapter Five** traces the development of human rights movement in the post-colonial India. An attempt has been made to examine as to how it got consolidated later on after the infamous emergency (1975). The researcher has also endeavoured to discuss the role played by various Non Governmental Organizations in promoting and protecting human rights of the people. In this chapter, the researcher has also analysed and evaluated the working of the National Human Rights Institutions and of the prominent social movements like the feminist movement, the movement for environmental protection and sustainable development, the *dalit* movement etc., that have contributed to a great extent to the increasing reliance on human rights concepts in India. At the end, the process of liberalization and globalization has been discussed in detail to see their impact on the human rights movement and to check whether it has promoted or demoted the concept of human rights as such.
Chapter Six focuses mainly on providing a critical overview of the human rights movement in India and to predict its future.

Chapter Seven contains a brief summary of all the six chapters of the thesis. After giving the summary of the thesis, the researcher has given certain suggestions which would help in consolidating the human rights movement in the near future. Chapter Seven is followed by a few important annexures that, in turn, are followed by quite a comprehensive and an exhaustive bibliography.