CHAPTER FIVE

HUMAN RIGHTS
AND SARVODAYA
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HUMAN RIGHTS AND SARVODAYA

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5.1. Introduction:

All citizens must be equal before the law irrespective of his or her religion caste, color, creed, and sex or material wealth. This principle of equity is the backbone of human rights. Human Rights are a topic wherein much has been written and discussed. Human rights are commonly understood as "inalienable fundamental rights to which a person is inherently entitled simply because she or he is a human being."243 In Indian villages people live happy and coherent life and they respect human dignity, which means human rights are protected in Indian village from by gone days. Human rights are thus conceived as universal (applicable everywhere) and egalitarian (the same for everyone). These rights may exist as natural rights or as legal rights, in both national and

243 Sepulveda et al. 2004, p-3
international law. Panchayat Raj is based on local system and this is relevant to both national and international system. Many citizens of the world have perceived and interpreted the concept of rights in different forms. The idea of rights was developed in the Bible, and in ancient Greek and Roman civilizations.

Gandhi believed in human values and upholding of human values. The concept of Sarvodaya was evolved for development of the last man which Gandhi described as antyodaya. This implies development of human rights through training and counseling. Gandhi’s concept of Ram Rajya was based on less governance. Gandhiji believed in the Sarvodaya philosophy and rejected the utilitarian principle of Mill and Bentham as the greatest good of the greatest number because it means in its nakedness that in order to achieve the supposed good of 51 percent the interest of 49 percent may be or rather should be sacrificed. It is a heartless doctrine and has done harm to humanity. Thus Gandhi’s efforts of Sarvodaya and Panchayat Raj were related to all round development of human being. Further it tried to elevate and respect human dignity by protecting rights of human beings to stay in villages in the unofficial areas. Gandhi further believed that he tried to proclaim the veritable of religion by living them not by percent but by practice. Such ancient but vital verities as truthfulness, compassion, social justice, tolerance and the purpose of a spiritual movement and give life its meaning and significance. Gandhi wanted social order based on a 'Charya' a symbol of economic decentralization. According to Mahadeva Prasad, Gandhiji believed, if a new democracy equalitarian, social order, free from exploitation is to be established on firm foundation, decentralization in economy must go side

245 Warkhede Ramesh (ed) "Human Rights basic concepts" YCMOU, Nasik, 2012, p-24
introduction of the Basic Education system in the country. The sole effort of Gandhi was to improve dignity of life in the villages. Article 21 in the Indian constitution has enshrined the right to life and personal liberty. Khosla has observed that "Life in Article 21 was interpreted liberally to include a broad range of unremunerated rights and guarantee the protection of human dignity. Fundamental rights understood in light of directive principles enshrined in Part IV of the Constitution. (Khosla p-122)

Thus Gandhi's concept of Sarvodaya parallel to the development of human rights. If every individual is well developed and social environment is created for dignity of life, there will be a positive change in the rural India. India as a signatory of the Declaration of Human Rights has strengthened the Gandhian concept of dignity of human life. Gram Swaraj and Sarvodaya have thus significant relevance in the age of globalization to face new challenges in the 21st century.

Human rights and Sarvodaya are closely related aspects to each other. Sarvodaya means development of all and human dignity of each citizen. If one follows Sarvodaya then there cannot be problem of human rights violations. Human dignity and respect of each and every individual is highly required in a democratic nation. Human rights must be carefully examined by presenting various new points and perspectives in a new angle. This can led to evolve a new focus.

In this chapter a new concept has been developed with special reference to evolution of Panchayat Raj in a systematic manner. A new vision can help to provide a new focus. The Indian constitution has revealed various fundamentals rights which elevate human dignity. The
role of Panchayat Raj is significant enough to elevate their status and position in a new angle.

5.2. Human Rights and Conceptual Frame:

It would be interesting to study the conceptual frame of human rights with special reference to Sarvodaya and Panchayat Raj. The doctrine of human rights in international practice, within international law, global and regional institutions, in the policies of states and in the activities of non-governmental organizations, has been a cornerstone of public policy around the world. India is also not exception to this. The United Nations Global Conference to discuss racism, racial discrimination, xenophobia and related intolerance was held from 31st August to 7th September, 2001 in Durban (South Africa), which called for action by the international community to eradicate them wherever they may be found. The conference after rigorous and complicated discussions in key contentious issues, adopted a declaration and program of action that commit member states to combat racism and discrimination at the international, national and regional levels. 246

The doctrine of human rights in international practice, within international law, global and regional institutions, in the policies of states and in the activities of non-governmental organizations has been a cornerstone of public policy around the world. The idea of human rights states, "If the public discourse of peacetime global society can be said to have a common moral language, it is that of human rights." 247 Despite this, the strong claims made by the doctrine of human rights continue to provoke considerable skepticism and debates about the content, nature and justifications of human rights to these days. Indeed, the question of

246 Ibid, p-24
what is meant by a "right" is itself controversial and the subject of continued philosophical debate.\textsuperscript{248}

Many of the basic ideas that animated the human rights movement developed in the aftermath of the Second World War and the atrocities of The Holocaust, culminating in the adoption of the Universal Declaration of Human Rights in Paris by the United Nations General Assembly in 1948.

In the last half of the 19\textsuperscript{th} Century it was realized that wars and war crimes is one the biggest threats to the human rights. Therefore, Geneva and Hague Conventions, Nuremberg and Tokyo Trials and role of organizations like ILO and League of Nations become important in addressing the issue of violation of human rights during wars. Current issues on human rights, such as racism, child labor, human trafficking, and refugees are discussed. It shows that the concept of rights has evolved over a period of time and it is still developing.\textsuperscript{249}

The modern sense of human rights can be traced to Renaissance Europe and the Protestant Reformation, alongside the disappearance of the feudal authoritarianism and religious conservatives that dominated the middle ages. Human rights were defined as a result of European scholars attempting to form a "secularized version of Judeo-Christian ethics".\textsuperscript{250} Although ideas of rights and liberty have existed in some form for much of human history, they do not resemble the modern conception of human rights. According to Jack Donnelly, in the ancient world, "traditional societies typically have had elaborate systems of duties. Conceptions of justice, political legitimacy, and human flourishing that sought to realize

\textsuperscript{248} Shaw 2008, p-265
\textsuperscript{249} Warkhede Ramesh, op.cit., p-26
\textsuperscript{250} Ishay 2008, p-64
human dignity, flourishing, or well-being entirely independent of human rights. These institutions and practices are alternative to, rather than different formulations of human rights.\(^n\)\textsuperscript{251}

The ancient world did not possess the concept of universal human rights.\textsuperscript{252} Ancient societies had "elaborate systems of duties. Conceptions of justice, political legitimacy, and human flourishing that sought to realize human dignity, flourishing, or well-being entirely independent of human rights".\textsuperscript{253} The modern concept of human rights developed during the early Modern period, alongside the European secularization of Judeo-Christian ethics.\textsuperscript{254} The true forerunner of human rights discourse was the concept of natural rights which appeared as part of the medieval Natural law tradition that became prominent during the Enlightenment with such philosophers as John Locke, Francis Hutcheson, and Jean-Jacques Burlamaqui, and featured prominently in the political discourse of the American Revolution and the French Revolution.\textsuperscript{255}

From this foundation, the modern human rights arguments emerged over the latter half of the twentieth century. Gelling as social activism and political rhetoric in many nations put it high on the world agenda. All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 1 of the United Nations Universal Declaration of Human Rights (UDHR)\textsuperscript{256}

The earliest conceptualization of human rights is credited to ideas

\textsuperscript{251} Donnelly 2003, p-71  
\textsuperscript{252} Freenab 2002, pp-15-17  
\textsuperscript{253} Donnelly, op cit., p-71  
\textsuperscript{254} Ishay, op cit., p-64  
\textsuperscript{255} Moyn 2010, p-8  
\textsuperscript{256} UDHR 1948
about natural rights emanating from natural law. In particular, the issue of universal rights was introduced by the examination of the rights of indigenous peoples by Spanish clerics, such as Francisco de Vitoria and Bartolomé de Las Casas. In the Valladolid debate, Juan Ginés de Sepúlveda, who maintained an Aristotelian view of humanity as divided into classes of different worth, argued with Las Casas, who argued in favor of equal rights to freedom of slavery for all humans regardless of race or religion. In Britain in 1683, the English Bill of Rights (or "An Act declaring the Rights and Liberties of the subject and settling the Succession of the Crown") and the Scottish Claim of Right each made illegal a range of oppressive governmental actions. Two major revolutions occurred during the 18th century, in the United States (1776) and in France (1789), leading to the adoption of the United States declaration of independence and the French declaration of the rights of man and of the citizen respectively, both of which established certain legal rights. Additionally, the Virginia Declaration of Rights of 1776 encoded into law a number of fundamental civil rights and civil freedoms. Gandhi believed in understanding agony of others, truly championed by Narshi Mehta in his hymns illustrating that he is the true Vaishnav who understands agonies of other human beings. Gandhi believed in serving the poor, exploited and distressed people. Gandhi emphasized on the ethical values. His outlook seemed humanitarian rather than political. Gandhiji wanted that the Congress should either accept the reforms or reject them, because he believed that these reforms will improve human rights and human dignity.

To the Vedic philosophy he added western liberal thoughts. Gandhi was the leader of political idealism. Gandhi was influenced by western

philosophical conceptions of Thoreau, Ruskin and Tolstoy. Gandhi was always making fusion of eastern and western philosophy in a relevant manner. Gandhi was called Mahatma who was able to come out of small differences and respected human values. Gandhi was called a Mahatma Gita became a spiritual dictionary and infallible guide to his conduct. He was able to derive human values from Gita and Upnishidas. He was highly impressed by Thoreau who had written a commentary on Upnishadas. By reading this book in South Africa when he was in imprisonment Gandhi was shaken from roots. He derived the concept of Satyagriha as a non violent weapon to achieve freedom from the colonial power. Gandhiji was considerably influenced by the study of Ruskin’s book Unto this Last (1860). He was influenced by Ruski’s doctrine of Manual Labor. He had read this book in a train journey from Johanesburge to Durban in South Africa and had drawn three basic ideas from it i.e. (i) The good of the individual is contained in the good of life (ii) That a lawyer’s work has the same value as barber’s in as much as all have the same right of earning their livelihood from their work and (iii) That a life of labor i.e. the life of the tiller of the soil and the handicraft man is the life worth living."  

This is a philosophy of human right with Gandhi derived from Ruskin’s ideology. Thus Gandhi was able to develop all these concepts by grafting eastern and western philosophies together. To him political power is not an end but one of the means of enabling people to better their conditions in every department of life.

Mahatma Gandhi treated Panchayat Raj as a means of serving common men in villages. The Panchayat Raj can strengthen human rights. The life and dignity of common men musts be elevated by using


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provisions made to present human rights. In Rule of Law every Indian is equal before law. The Rule of Law can be examined to strengthen human rights. Recent provisions regarding right to information are suitable to strengthen human right for rural as well as urban people.

The dynamics of Human Rights in India is based on provisions made by Indian constitution IDC as well as earlier new enactments. These processes provide legal power to common people to face any calamity collapsed on them by recent problems posed by pressure groups, people and various segments of political world.

There is a need to understand various provisions made by Asian, African and Latin American countries. This can be examined in Indian context. A critical study of all these provisions can help us to understand various provisions made by Constituent Assembly to electorate.

5.3. Human Rights in Asia Africa and India:

It would be interesting to note that in Asian, African and Latin American countries socio economic and cultural conditions are the same. People at large have to undergo many difficulties for elevating their life from struggle to stability. Human dignity is a challenging problems and basic human needs like food, dress and shelter must be solved properly. In order to bring the poor, downtrodden and weaker sections, there is a need to make serious efforts in a planned manner. These poor classes of society can be brought in the mainstream by making planned and sustainable efforts. Asian and Latin American countries, people live in villages. The tribal community is far away from development. They have been described as relatively isolated class. The agro based and poor people in the villages have to suffer a great deal from improving their difficult life. In order to infuse a new spirit of change and confidence in
the poorest of the poor, planned and systematic efforts are required. Each country in the Third World has been preparing road map for implementing MDG programs. The millennium development goods can be achieved in a long term planning because their progress is very basic to improve public life in these countries.

The problems of elevating life are related to their basic needs. Hence all these efforts can be further strengthened in a systematic manner. UNESCO is making serious efforts for implementing human rights plans and programs. The role played by NGOs like Hind Swarajya established by Anna Hazare and Malal’s efforts in Pakistan have been outstanding. The empowerment of women and weaker sections on the basis of education is highly required to improve their life struggle. Thus human rights conditions in Asia, Africa and India have common and parallel challenges. There can be changed by making grass root efforts on Panchayat Raj level. Today’s scenario of rural development can be described as “grass without roots”. The tragedy of rural development in India is based on complex conditions which can be changed by making systematic efforts in the future course of time. Thus, their conditions will be changed and new cordial environment can be created.

The status of human rights Asia in general and India in particular must be carefully examined on the basis of available data. A seminar on national, local and regional protection of human rights in the Asia-Pacific region was held at Colombo, Sri Lanka in July 1982. No steps were taken towards the establishment of any regional arrangements for the promotion and protection of human rights in the conference. But certain problems and needs were identified which should be taken into account whenever such regional arrangements are contemplated. However, in the later

259 Warkhede Ramesh, op cit., p-54
period these discussions have provided way for the development of human rights. The Commission on human rights requested the Secretary General to assist and encourage the Executive Secretary of ESCAP in the establishment of a depository center for UN human rights materials within the premises of Economic and Social Commission for Asia and Pacific at Bangkok. This relate to the building of awareness for the protection of human rights. Conferences were held at Manila, Rarptpmga, The Cook Islands, New Delhi and Jakarta.

The roots of human rights can be traced in Indian constitution. Madhav Khosla has observed that "The Indian Constitution goes beyond simply enumerating rights. It also contains a set of constitutional aspirations, goals which cannot be enforced in a court of law. Unenforceable though they are, these Directive Principles of State Policy play a profound part in shaping our understanding of the Constitution." Madhav Khosla has observed that "The Indian Constitution goes beyond simply enumerating rights. It also contains a set of constitutional aspirations, goals which cannot be enforced in a court of law. Unenforceable though they are, these Directive Principles of State Policy play a profound part in shaping our understanding of the Constitution."262

It has been rightly observed further that "Article 14’s equality guarantee is a helpful place to begin work on the content of our rights. Couched in negative terms, it pledges equality before the law and the equal protection of the laws." Every fundamental right has some reasonable restrictions. It is true that "The real question surrounding these restrictions is whether they have given the state more presumptive power than we would like." In India judiciary plays a vital role in the protection of human rights. Rao has rightly observed that "Even so, care has been taken to ensure that the powerful dissident articulation of the violation of human rights in planning and development becomes an occasional rather than a growingly permanent feature of judicial

260 Ibid., p-54
261 Ibid., p-55
262 Khosla Madhav "The Indian Constitution" Oxford University Press, 2012, p-87
263 Ibid., p-92
264 Ibid., p-137
The judicial discourses have protected human rights in India. Justice Ranganath Mishra was first chairman of India's Human Rights Commission. On this background human right in south Asia must be studied. It has been observed that "The States in Asia have different scales of values, different ways of life and different concepts of political organizations. All these factors stood in the way of creating a regional agency for the protection and promotion of human rights in the past." 266 It has been rightly observed that "The South Asian Association for Regional Cooperation (SAARC) comprises Bangladesh, Bhutan, India, the Maldives, Nepal, Pakistan and Sri Lanka. SAARC is a manifestation of the determination of the peoples of South Asia to work together towards finding solutions to their common problems in a spirit of friendship, trust and understanding and to create an order based on mutual respect, equity and shared benefits. It has been observed that SAARC has not taken up any steps to make human rights its priority issue." 267 About the problems in the protection of human rights it has been observed that "The South Asian people share many socio economic and political problems, such as poverty, illiteracy, unemployment, unequal treatment of women, violence against women, pollution, exploitation of child labour, and religious fundamentalism. Therefore, protection and promotion of human rights should be important issues for the regional organization." 268

It has been observed that protecting of human rights is a continuous struggle and "this struggle is serious and its aims are ambitious." 269 It has been observed that "Considering the need, Human rights organizations in

266 Warkhede Ramesh, op cit., p-55
267 Ibid, p-55
268 Ibid., p-55
269 Khosla Madhav, op cit., p-xxiv
South Asia have recently taken steps to cooperate in addressing their common problems. An attempt to foster cooperation between human rights activists of SAARC countries was organized in December 1990 at the Third World Congress on Human Rights in New Delhi. This was organized by jurists, educators, and representatives of NGOs.”

This was a first step regarding protection of human rights in South Asia in general and India in particular. Further it has been observed that “This was perhaps the first occasion where non-governmental representatives of SAARC countries had a forum to discuss human rights problems in a regional context. Representatives from over fifty NGO's from the SAARC countries to deliberate on human rights issues at the regional level which ultimately resulted in the creation of the South Asian Forum for Human Rights (SAFHR). The participation of NGO's was a bold step ahead because many of such NGO's were working on rural level. This has benefited the Panchayat Raj.

It has been further observed “SAFHR’s establishment was a direct response to inability and lack of willingness of the SAARC to promote observance of and respect for international human rights. Though it is an informal arrangement, in the long term SAFHR’s seeks to establish a South Asian Charter for Human Rights, which would be comparable in structure and purpose to the Charter of the OAS and the European Convention.”

It is interesting to observe that Gandhi was able to influence his philosophy in all the third world countries of Asia, Africa and Latin America. When Gandhiji was stayed in South Africa he had immensely studied western philosophy of liberal thoughts and he found it suitable for

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270 Warkhede Ramesh, *op cit.*, p-56
271 Ibid, p-56
272 Ibid., p-56
the emancipation of poor human being who was rusting in the colonial system. Gandhi fought for civil rights in America and he further made a crusade for the dignity of human rights in Africa. His ideals have further influenced all the developing countries in general and India in particular.

Thus the path of protection of human rights was difficult in Asia and Africa, but India has made a head way in the recent times by establishing human rights commission as well as by providing guide lines to NGOs and guidelines for the effective role of free media. 273

5.4. Sarvodaya and Human Rights:

Universal Declaration of Human Rights contained that “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” 274

Sarvodaya is a term meaning 'universal uplift' or 'progress of all'. Human right is based on treating human rights free and equal. There is a close similarity between human rights and Sarvodaya. Both of them are based on welfare of common man. The term was first coined by Mahatma Gandhi as the title of his 1908 translation of John Ruskin's tract on political economy, Unto This Last, and Gandhi came to use the term for the ideal of his own political philosophy. 275 Later Gandhians, like the Indian nonviolence activist Vinoba Bhave, embraced the term as a name for the social movement in post-independence India which strove to ensure that self-determination and equality reached all strata of Indian society. Gandhi received a copy of Ruskin's Unto This Last from a British friend, Mr. Henry Polak, while working as a lawyer in South Africa in

273 Ibid., p-59
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1904. In his Autobiography, Gandhi remembers the twenty-four hour train ride to Durban (from when he first read the book), being so in the grip of Ruskin's ideas that he could not sleep at all: "I determined to change my life in accordance with the ideals of the book." As Gandhi construed it, Ruskin's outlook on political-economic life extended from three central tenets:

1. That the good of the individual is contained in the good of all
2. That a lawyer's work has the same value as the barber's in as much as all have the same right of earning their livelihood from their work.
3. That a life of labor, i.e., the life of the tiller of the soil and the handicraftsman is the life worth living.

The first of these I knew. The second I had dimly realized. The third had never occurred to me. Unto This Last made it clear as daylight for me that the second and third were contained in the first. I arose with the dawn, ready to reduce these principles to practice.277

Four years later, in 1908, Gandhi rendered a paraphrased translation of Ruskin's book into his native tongue of Gujarati. He entitled the book Sarvodaya, a compound (samāsa) he invented from two Sanskrit roots: sarva (all) and udaya (uplift) -- "the uplift of all" (or as Gandhi glossed it in his autobiography, "the welfare of all").

Although inspired by Ruskin, the term would for Gandhi come to stand for a political ideal of his own stamp. (Indeed Gandhi was keen to distance himself from Ruskin's more conservative ideas.278 The ideal which Gandhi strove to put into practice in his ashrams was, he hoped,

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276 Autobiography, Part IV, Chapter xvii
277 Ibid.
278 Ibid.
one that he could persuade the whole of India to embrace, becoming a light to the other nations of the world. The Gandhian social ideal encompassed the dignity of labor, an equitable distribution of wealth, communal self-sufficiency and individual freedom.\footnote{Bondurant, \textit{op cit.}, ch.5}

Gandhi's ideals have lasted well beyond the achievement of one of his chief projects, Indian independence (\textit{swaraj}). His followers in India (notably, Vinoba Bhave) continued working to promote the kind of society that he envisioned, and their efforts have come to be known as the Sarvodaya Movement. Anima Bose has referred to the movement's philosophy as "a fuller and richer concept of people's democracy than any we have yet known." Sarvodaya workers associated with Vinoba, J. P. Narayan, Dada Dharmadhikari, Dhirendra Mazumdar, Shankarrao Deo, K.G. Mashruwala undertook various projects aimed at encouraging popular self-organization during the 1950s and 1960s, including \textit{Bhoodan} and \textit{Gramdan} movements. Many groups descended from these networks continue to function locally in India today.

Beginning on the one year anniversary of the immersion of Gandhi's ashes, an annual Sarvodaya mela or festival has been held at Srirangapatna\footnote{Sharath S.Srivastva \textit{"A confluence by the Cauvery"} The Hindu 12-2-2006} and at Tirunavaya. At the latter site, it was instituted by K. Kelappan (Kelappaji).\footnote{Madhava T.Menon \textit{"A Handbook of Kerala"} Vo. 2, Thiruvananthapuram: International School of Dravidian Linguistics 2002, ISBN 9788185692272, p-617 and \textit{Tourist Guide to Kerala}, Chennai: Sura 2008, ISBN 9788174781642, p-40}

Sarvodaya has thus created awareness regarding development of all sections of society and further on the other hand it has made serious efforts of strengthening Panchayat Raj movement. It has created philosophical awareness and plan of action for the development of Indian villages. Gandhiji claimed that "he was a socialist long before those I
know in India had avowed their creed. But my socialism was natural to me and not adopted from any book. It came out of my unshakable belief in non violence." Gandhi's concept of democratic socialism was totally Indian and it has been reflected in the preamble of the Indian constitution, which has been accepted as Magnacharta of Indian Human rights to establish liberty, equality and fraternity and social justice for every Indian citizen. It is an interesting point to note that Gandhi has evolved his political concepts out of his own thinking, which was matured and had been evolved out of effective interaction between eastern and western philosophy.

There are three basic dimensions of human rights economic, social and cultural. International covenant explained these three angles as following:

5.5. Various Dimensions of Human Rights:

The definitions of Human Rights amply testify the conceptual frame and basic facts of human life. The enforcement of various laws can change the conditions in a planned manner.

The sociological phenomenon of Human Rights showed that relevant aspects have been reflected by scholars in their definitions. All these aspects can be further studied to understand the socio economic and cultural aspects of Human Rights. A totally new approach of progressive planning is required to protect Human Rights in Afro-Asian countries. The definitions are not sufficient enough to cover various issues of solving Human Rights crisis.

There are different dimensions of such as social, economic and cultural. These dimensions must be examined in the Indian context

especially with special reference to Panchayat Raj and Sarvodaya movement. In 1976 UNO conversion adopted a resolution stating significance of these three aspects. In the preamble it was pointed that "Realizing that the individual, having duties to other individuals and to the community to which he belongs is under a responsibility to strive for the promotion and observance of the rights recognized." 283 Sarvodaya and PR also provide positive environment for the development of individual.

In the UN Covenants self determination is the key point and it was pursued the protection of economic, social and cultural development. 284 It was felt that economic cooperation based upon mutual benefits. The responsibility of the administration is to achieve trust to promote self determination and respect. 285 Gram Swaraj is also based on such respect to each other. There should not be any difference based on race, color, sex language, and religion, political or other opinion. It has been observed that "Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present covenant to non-nationals." 286 Further it is expected that women should enjoy all social, economic and cultural rights equally. There should not be any gender difference. State should try for promoting welfare in the democratic society. Further it has been pointed that restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the

283 UN International Covenant on Economic, social and cultural rights, Resolution No. 2200A (XXI)
284 Ibid.,
285 Ibid.,
286 Ibid.,

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pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent." 287

Right to work can help to strengthen common man. The appropriate steps have been undertaken by GOI by establishing Mahatma Gandhi National Employment Guarantee scheme. Technical and vocational guidance and training programs are expected to bring change in the life of people. Wages, equal remuneration, are expected on the basis of equal paper, equal work. 288

GOI has made provision for fulfillment of such progressive ideas. Children and young person should be protected from economic and social exploitation. GOI has passed a resolution to protect children’s rights. It is expected that “Taking into account the problems of both food importing and food exporting countries, to ensure an equitable distribution of world food supplies in relation to needs.” 289

In India also efforts have been made for providing food security. Environmental and industrial hygiene, education for all, availability of higher education, quality schools, as well as equal participation in cultural life and benefit of scientific progress to all is also expected. There are many articles which provide guide-lines by the economic and social council of UN through its members is to bring socio economic and cultural benefits to all. There are 31 articles in the Part III which provide approaches towards socio economic and cultural participation at grass root level.

All these guide-lines cannot be implemented without Sarvodaya and Panchayat Raj. Indian constitution has echoed Gandhian values in

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287 Ibid., 288 Ibid., 289 Ibid.,
many ways because Gandhi believed in dignity of labor, dignity of human being as well as dignity of women. Gandhi rightly pointed that democracy in India must be so wide and comprehensive that weakest of the weak must have the same chance as the strongest of the strong. Gandhi’s sincere efforts were removal of untouchability. In Article 17 says that untouchability shall be an offence punishable in accordance with law.”

5.6. The Role of Panchayat Raj In Protecting Human rights:

The role of Panchayat Raj in protecting Human Rights must be rightly studied as under:

- Strong Panchayat Raj can bring strength to the poor and minority staying in villages.
- The Gram Sabha must be organized at least three hours in a year where decisions in favor of common man can be taken properly.
- The each and every citizen can get power and energy from active Panchayat Raj. This can be very well organized and rearranged properly.
- NGO's and social organizations and pressure groups as well must be provided stability for bringing awareness about human rights.
- Human rights can be protected by creating awareness at large by NGO's, media and civic society.
- The Gram Sabha’s every decision can be a significant phenomenon to protect human right.

Thus all these aspects can be very well examined and understood by providing new vision of total change. Human Rights at village level in the adivashi as well as hilly region become difficult due to adverse conditions

290 Khosla Madhav, “The Indian Constitution”, Oxford University Press, New Delhi, 2012, p-152
prevailing at these places. All comprehensive and planned efforts of sustainable development can be possible to infuse a new spirit in the system. The inclusive growth can be very well achieved on these lines.

PR plays a key role in the protection of human rights. Respect to all and development of all is a common aim of both PR and human rights. PR creates cordial atmosphere for the implementation of human rights. Chakrabarty has rightly observed that Gandhi’s idea of Panchayat raj remained a distant dream till very recently, but his arguments for people’s participation in governance provoked and also consolidated movements for what is euphorically suggested as deepening of democracy in India.”

291 It has been rightly pointed that “Indian polity is principally based on the framework of a decentralized, participatory and grass roots oriented political order as reflected in practical shape by the idea of Panchayat raj.” 292

Participatory democracy through PR protects human rights at grass root level. Like Gandhi Jayprakash Narayan also enriched PR. It is true that “Though the bodies of PR constituted the core of communitarian democracy as advocated by JP, he did not remain oblivious to the imperatives of the provincial and central level of government.” 293

Madhav Khosla has observed that “On the one hand, Articles 243B and 243Q creates Panchayats and municipalities, respectively, and it would seem sensible to suggest that the creation of such bodies can only be useful if they have some powers.” 294 Further it has been observed that “On the other hand, though, Articles 243G and 243W provide that a state legislature may by law endow Panchayats and municipalities,

291 Chakrabarty, op cit., pp-57-58
292 Ibid., p-110
293 Ibid., p-111
294 Khosla Madhav, op cit., pp-72-73
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respectively, with powers that could structure them as institutions of self
government. Further the provisions explicitly state that such law may contain provisions for the devolution of powers, implying that the provisions themselves do not devolve power, and enable rather than necessitate the transfer of power from the states to local bodies.”

On this context NGO's and Sarvodaya activities are rightly cultivating need of PR for smooth transfer of power. Mass Awareness can only bring such change. Especially in Panchayat Raj adequate arrangements have been made for the SC/ST/NT and OBC as well as women. This has lead to the development of weaker sections. Further Human rights have been protected by Indian constitution by following the basic doctrine of rule of law. Khosla has observed that “Consider Article 14, the overarching equality guarantee. The State shall not deny to any person equality before the law or the equal protection of the laws.

The first few words of the phase identify the state as bearing the burden to pursue equality and give us a glimpse into the character of our rights. Rights regulate the relationship between the state and the citizen, and provide a few guarantees to even non-citizens.”

Quality before law not only creates sense of equality but also it has protected caste discrimination to uphold human rights. Khosla has further observed that “Article 15(2) and 17 are not the only provisions that disturb the public private distinction. Others like Articles 23 and 24 which prohibits forced labor and child labor respectively, confirm that the Indian Constitution does partially adopt a horizontal approach towards rights.” This has lead to the sustenance of human rights in India.

295 Ibid., p-73
296 Khosla, op cit., p-88
297 Khosala op cit., p-89
5.7. Sarvodaya, Indian Constitution and Human Rights:

Indian constitution has been largely appreciated for empowering poor people in the process of human rights. The fundamental rights and duties are the two sides of the same coin of human rights. They provide a new line of action for promoting human rights. The philosophy of Sarvodaya initiated by Mahatma Gandhi and further accelerated by JP and Vinoba Bhave reveals that these scholars have not only enriched the planning of all round development by their gospel of Sarvodaya, but they had been successful in creating awareness about human rights. The spirit of Gandhian philosophy of was further evolved by Anna Hazare effectively.

The awareness brought by these NGO's has further strengthened human rights. The Indian constitution has been largely created for provisions of human rights at all levels. Especially villages have been largely benefited on these lines for better future of human life at all levels.

Gandhi’s Sarvodaya concept had profound influence on political thinkers of modern India. The framers of constitution had given serious thought wherever it was necessary to protect human rights they have respected these values. Khosla has observed that “Fundamental rights and directive principles were complementary and supplementary to one another, each enjoyed equal importance.” 298 Hence this has been very much useful to strengthen respect and protection of human rights. It has been observed that “The open textured nature of many fundamental rights made this plausible to accomplish, and judges started interpreting fundamental rights with reference to directive principles.” 299 This

298 Ibid., p-123
299 Ibid., p-123
interpretation has strengthened the arena of human rights in the field of education, food and health security as well. Gandhiji’s dream of every village being a republic has been translated into reality with the introduction of Panchayat Raj system. The 73\textsuperscript{rd} Amendment came into force to provide constitutional status to the Panchayat raj institutions.\textsuperscript{300} This has lead to strengthening of human rights at grass root level.

Khosla has observed that “The use of directive principles as guidance for the interpretation of fundamental rights paved the way for the adjudication of social rights. In a series of caste, often facilitated by public interest litigation and its associated innovations, the Supreme Court held that the right to life in Article 21 guaranteed rights such as the right to health, education, livelihood and shelter. Without the satisfaction of such rights the court held that civil political rights would be meaningless.”\textsuperscript{301} Thus social rights were recognized by judiciary.

The role played by Supreme Court in interpreting social rights, and human rights seems significant. In Upendra Baxi’s words at the time typified the general perception the Supreme Court of India is at long last becoming, after thirty two years of the Republic, the Supreme Court for Indians.” \textsuperscript{302} The Articles 32 and 226 can be used by any responsible citizen to enforce the rights guaranteed in part III and the meaning of those rights would be deciphered through reliance upon diverse principles in Part IV. Khosla has interpreted that “Social activists flocked to the Supreme Court bringing all kinds of claims, and the court came to be recognized as a guardian of human rights.” \textsuperscript{303}

\textsuperscript{300} Goal S.L. and Rajneesh Shalini “Panchayati Raj in India”, Deep and Deep Publishers, 2003, p-19
\textsuperscript{301} Khosla, op cit., pp-125-127
\textsuperscript{302} Ibid., p-124
\textsuperscript{303} Khosla, op cit., p-124
Thus in course of time, Supreme Court has become guardian of Human Rights and now after establishment of Human Rights Commission, the agency is taking care to protect human rights from grass root level. Thus Sarvodaya, Indian constitution and Human Rights have been benefited to each other in course of time.

Thus in this chapter the correlation between human right and pr has been established. In the beginning the emergence of human rights was studied in the wake of globalization. The conceptual frame of human rights was highlighted. Later on correlation between human rights in Asia’s and India was set properly. Further the relationship between Sarvodaya and human right was set forth. Further social, economic and cultural dimensions of human rights were discussed in the context of UN resolution. Further the role of PR in protecting human rights was also discussed. The 73rd Amendment has empowered PR and subsequently engineered public opinion in favor of such system. The provisions in Universal Declaration of Human Rights and Indian constitution are parallel to each other. These have been very much significant for protection of human rights in India. Justice Rangnath Mishra, Chairman of the First Commission of Human Rights has also pointed out that values of human rights have been enshrined in Indian constitution, which has been inspired by Gandhi’s humanitarian values. In Harijan Gandhiji rightly pointed that “I do not claim to have originated any new principle or doctrine. I have simply tried in my own way to apply the eternal truth to our daily life and problems.”

This was humbleness of Gandhi but he had evolved his own approach to look at Indian problems. He has further noted that “The opinions I have formed and the conclusions I have arrived at are not final.

304 Gandhi M.K. “Harijan” March 28, 1936, p-49
I may change them tomorrow. I have nothing new to teach the world. Truth and the non violence are as old as the hills. All I have done is to try experiments in both on as a vast scale as I could do.\textsuperscript{303} These experiments of Gandhi have further strengthened concept of human rights in developing countries.

\textsuperscript{303} Ibid., p-49