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## ENVIRONMENTAL SUSTAINABILITY AND A HISTORICAL PERSPECTIVE OF HUMAN RIGHTS

**B. Bhavani**

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Human rights are those minimal rights that individuals need to have against the State or other public authority by virtue of their being members of the human family, irrespective of any other consideration. The concept of human rights is founded on the ancient doctrine of natural rights based on natural law.

These rights were mere ideologies and there was no agreed catalogue of them and no machinery for their enforcement until they were codified into national constitutions, as a judicially enforceable Bill of Rights.

From the very beginning of human history, man struggled for his existence against nature and his fellow men. The concept of the survival of the 'highest' caused conflicts among human beings that paved the way for the framing of rules and regulations for the safeguard of the weaker sections. The formation of states and empires was not always based on the principles of establishing human rights. When

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**Dr. B. Bhavani**

*Lecturer, Department of English, Govt. Arts College (A), Rajahmundry  
Andhra Pradesh, Email: bhavani.battula76@gmail.com*

Britain Book Company, England, UK

Exploring Gender Roles and Environmental Sustainability

DOI: <https://doi.org/10.31995/Book.BBC314-J224.Chapter17>

the rights of one state were violated by another, a solution was forcibly arrived at through war or treaties. Hence during the ancient and medieval period, war was a determinant factor of rights.

The ancient Indian concept of human rights and humanitarian laws was based on wars and regulated humanitarian laws to be adopted before, during and after war. The yard stick to measure human rights in India during the ancient period was mostly conduct the field of battle. The ancient writings contained rules of warfare that were laid down in the legal texts such as *Manusmriti* or the code of Manu (200BC to 100BC) the Mahabharat (100BC), Kautilya's *Arthashastra* (300BC) and Sukraniti Sar of Sukracharya.

The most celebrated and well-recognized rule of warfare in ancient India was based on the principle of equation of armed units. If any army consisted of elephants, horses, chariots and footmen, it was incumbent on each category to give combat to the opposing like category. In the use of weapons also, the principle of parity was followed. For instance, Lakshmana in the Ramanayana and Arjuna in the Mahabharata did not use Brahmasthra and Pashupathasthera respectively as these destructive weapons would have caused indiscriminate loss of life. The enemy also did not use such weapons.

Manu dharma and ancient writings enumerated military targets and what should not be attacked, such as all places of religious worship, houses of individuals who were not participating in warfare, or property that was not in the hands of the armed forces as such, which could not be attacked or destroyed by fire or by any other means. According to Manu the following individuals must not be slain: one who is sleeping without; who is without his armour; one who is naked; who is deprived of his weapons; one who is only looking and not fighting, as one who is engaged in fighting with another person. The Sangam literature one of the literary sources used in the study of social, political and economic aspects of ancient south India, reveals aspects of humanitarian principles and human rights. In war too they followed *Dharmayuddha* and special mention is made of the treatment of prisoners of war and

the sick and the wounded. The Mahabharata states that enemies captured in war not to be killed but are to be treated as one's own children. If they were women prisoners of war, they were often induced to marry persons of the conqueror's choice. However, if they declined this offer they were duly sent back to their homes and given a proper escort.

If *tattvam asi* (Thou art that) and *aham bramhmi* (I am that) conceived the universality of the individual soul, it was the principle of *vasudheva kutmbakam* (we are all one human family) that propounded universal equality. Moreover, ahimsa (non-violence towards all creation in word and deed) laid down the universal conduct of tolerance, respect for the individual, peace and cooperation. Furthermore, the concept of chakravarti in political theory visualized a one-world government to establish peace. Manu wrote his code of law, the Dharmashastra, for the entire human race, not for any particular nation. What was emphasized was the universal reach of legal concepts.

In almost all western countries ancient legal codes failed to recognize any area of individual freedom from State interference, and the first codification of something akin to a catalogue of rights, if not available to all men, then at least to the nobles of the land, began to emerge in contracts between princes and the feudal assemblies.

Human rights during the medieval period were marred by the outbreak of a series of wars for upholding traditions religious principles. Anyone who violated the principles of Christianity and the order of the Church was severely dealt with, as the Church dominated the political affairs of the country. By the introduction of child marriage, female children lost their right to education by becoming early wives, and early mothers, and they risked being early widows. Their rights were tampered with by their fathers and brothers before marriage, and after that by their husbands and in-laws. For most women their indemnity and rights were eroded during the medieval period. Medieval Europe witnessed immense devaluation of common people due to the prevalence of feudalism. The feudal lords spared no opportunity to exploit these people's social, political and economic rights and treated

them inhumanly. Slavery and bonded labor were accepted.

The violation of human rights during the medieval period in France and other European countries paved the way for a series of revolutions. The idea of human rights developed in the process of revolutions. Rousseau, who said 'Man is born free and is everywhere in chains' and other philosophers, provided a rationale retrospective for the revolution in 1789. People were awakened to the reality of revolution as a happening through which the definition of rights in defiance of the State was articulated.

In India, humanitarian ideas became popular from the beginning of the nineteenth century. The abolition of sati (1829), slavery (1843) and female infanticide (1870), the formation of the Torture Commission in the Madras Presidency in 1855, introduction of widow remarriage by legislation (1856) and prohibition of child marriage (1929), were restraints imposed on tradition and the beginning of humanitarian legislation. The enactment of the Indian Penal Code in 1860 (XLV) and a series of prison and jail reforms by regulations and acts was based on reformist tendencies. For preserving the rights of female children, the Age of Consent Act of 1891 and the Abolition of Child Marriage Act of 1929 were passed. In addition, the Madras Government passed the Madras Children's Act and the Madras Elementary Education Act in 1920 to safeguard children and provide better education at the primary level. These human Italian legislations prepared the ground for an awareness of human rights during the war years.

Slavery in Europe and the slave trade in Africa and Asia became a big issue at the beginning of the nineteenth century. Throughout the century, beginning with the Peace Treaty of Paris (1814), the universal prohibition of slave trade had been an object of international concern. Various treaty agreements to this end were undertaken in 1814, 1815, and 1832 and again in 1862, 1885 and 1890. Gradually, the movement undertook to combat and suppress slavery as well as slave trade. In 1926, the Assembly of the League of Nations approved and opened for signature the international Slave Convention, by which the

contracting parties agreed to prevent and suppress slave trade. Abolition of slavery in all its forms since then led the United Nations to continue its crusade as a part of human rights.

In affirming human rights for our people, we need to sensitize ourselves, and not simply stand by when violations occur. Education in the home, in the classroom and in the field will constitute a new awakening. Fear of financial burden and the temptation to protect oneself at the cost of the other in our society is one explanation of our reluctance to act. The affluent North has no difficulty in washing its hands of the problems and issues of human rights in the third world. The question Am I my brother's keeper is still valid and will be in the future. The answer is to be found in the locality, the region and the state in relation to its neighborhood and the world.

Human beings are part of nature. We must learn to respect it

To achieve a sustainable **EARTH SOCIETY**.

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