



# Exploring The Multifaceted Landscape Of Human Rights: A Comprehensive Analysis Of Theoretical Frameworks

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## ARTICLE INFO

## ABSTRACT

This research embarks on a meticulous journey through the intricate labyrinth of human rights, scrutinizing the nuances of meaning, concepts, and theories that underpin this fundamental aspect of global discourse. From the classical echoes of Natural Rights and Social Contract Theory to the contemporary resonances of Rawls' nuanced principles and Beitz's Theory, the study encompasses a spectrum of ideologies. Pluralist approaches, socialist paradigms, and the doctrine of moral correlativity weave together with the cultural richness of Vedic and Islamic theories, providing a holistic examination. This comprehensive analysis seeks not only to unravel the complexities inherent in these frameworks but also to offer a nuanced understanding of the interconnectedness and challenges shaping the global human rights landscape.

**Keywords** – Human Rights, Natural Theory, Pluralist Approach, Rawls, Rousseau, Beitz, Locke, Hobbes, Vedic theory, Dharma, Socialist, Justice, UDHR, Paine, Jefferson etc.

## I. INTRODUCTION

*“Rights are important claims. To have a right is to have a valid claim.”*

- Jack Donnelly (Donnelly, 2014)

Jack Donnelly emphasizes the significance of rights as valid claims, asserting that human rights extend beyond mere political and moral concepts to encompass a legal dimension. The post-United Nations Charter era has witnessed the emergence of a distinct jurisprudential discipline devoted to establishing that international law confers rights upon individuals, enabling them to assert claims against the state. Despite this burgeoning field, fundamental questions about the nature of human rights persist, including their divine, moral, or legal basis, validation methods, and whether they are irrevocable or subject to limitations. These unresolved issues reflect ongoing debates within diverse frameworks, such as social contract theory and principles of distributive justice. Irrespective of current governmental stances, the undeniable reality is the widespread demand for human rights, encompassing economic justice and political freedom. This global push for human rights, fuelled by postcolonial self-determinism, is now an integral part of contemporary world affairs.

The discourse on human rights theories constitutes a rich tapestry of philosophical contemplation, legal scrutiny, and ethical inquiry, spanning centuries of intellectual evolution. Rooted in diverse cultural, religious, and philosophical traditions, the concept of human rights has evolved into a crucial framework for evaluating societal norms, legal systems, and international relations. Understanding the background and relevance of human rights theories is essential for navigating the complex terrain of contemporary global affairs. The historical roots of human rights theories can be traced back to ancient philosophical traditions, such as those found in Greek Stoicism, Roman law, and Confucian thought. However, the modern articulation of human rights gained prominence in the aftermath of World War II, catalysed by the horrors of genocide and atrocities committed during the conflict. The United Nations, established in 1945, became a pivotal platform for fostering a global commitment to the protection of human rights. The Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly in 1948, stands as a seminal document that enunciates the fundamental principles underpinning human rights.

The relevance of human rights theories extends far beyond theoretical discourse; it serves as a compass for shaping domestic legal systems and influencing international relations. In this context, scholars like Cass Sunstein, in his work "The Second Bill of Rights," emphasize the importance of social and economic rights as essential components of a comprehensive human rights framework. Sunstein's exploration sheds light on the intersectionality of rights, advocating for a holistic approach that encompasses not only civil and political rights but also economic and social dimensions. Examining human rights theories also necessitates an exploration of critical perspectives that interrogate the universality of these principles. Cultural relativism, championed by scholars like Amartya Sen, challenges the imposition of a singular, Western-centric conception of human rights. Sen, in works like "The Idea of Justice," argues for a more inclusive and pluralistic understanding of human rights, acknowledging the diversity of values across cultures and societies. The importance of scrutinizing human rights theories lies in their transformative potential. Martha Nussbaum, in "Upheavals of Thought," delves into the capabilities approach, asserting that human rights should focus on enabling individuals to lead flourishing lives rather than merely safeguarding negative liberties. Nussbaum's emphasis on human capabilities offers a paradigm shift, encouraging a more nuanced assessment of well-being and justice. Moreover, the examination of human rights theories is crucial in addressing contemporary challenges. Michael Ignatieff, in "Human Rights as Politics and Idolatry," grapples with the tension between universal principles and the practical politics of state sovereignty. Ignatieff's exploration delves into the complexities of humanitarian intervention, revealing the ethical dilemmas inherent in balancing the sovereignty of nations with the imperative to protect human rights.

The background and relevance of human rights theories embody a multifaceted intellectual journey, shaped by historical experiences, legal frameworks, and ethical considerations. Scholars and thinkers across disciplines continue to contribute to this ongoing discourse, offering fresh perspectives and nuanced insights. Examining human rights theories is not a mere academic exercise but a crucial endeavour for comprehending the intricacies of human dignity, justice, and the evolving dynamics of a global society.

## II. MEANING AND DEFINITIONS OF HUMAN RIGHTS

The classic definition of human rights, as articulated by Cranston, underscores the universality of these rights and the inherent moral entitlement every individual possesses simply by virtue of being human (Cranston, 1973) –

*"A human right by definition is a universal moral right, something which all men, everywhere, at all times ought to have, something of which no one may be deprived without a grave affront to justice, something which is owing to every human being simply because he is human".*

Wasserstrom further refines this definition, proposing four essential criteria for true human rights: universality, equality, independence from particular status or relationships, and assertability against the entire world (Wasserstrom, 1979) –

**"First,** it must be possessed by all human beings, as well as only by human beings.

**Second,** because it is the same right that all human beings possess, it must be possessed equally by all human beings.

**Third,** because human rights are possessed by all human beings, we can rule out as possible candidates any of those rights which one might have in virtue of occupying any particular status or relationships, such as that of parent, president, or promisee.

**And fourth,** if there are any human rights, they have the additional characteristic of being assertable, in a manner of speaking, 'against the whole world.'

In the contemporary era, the politics of human rights is embroiled in conflicts arising from the clash of diverse value systems and cultures accelerated by globalization. Acknowledging the complexity of the 21st century, a holistic perspective is required to address global trends such as international terrorism, demands for self-determination, the emergence of a global civil society, and the role of non-governmental actors in both facilitating and hindering human rights activities. Additionally, issues like the protection of the environment, including flora and fauna, and advancements in scientific and technological knowledge demand comprehensive consideration (Ghosal, 2010).

Human rights are not merely abstract ideals but socially manifested processes necessitating collective and individual engagement at both national and international levels. Ensuring universal human rights involves facilitating meaningful existence, inclusive income generation, equal opportunities, and active participation in decision-making processes (Ghosal, 2010). The Western claim of bestowing the notion of human rights to the rest is contested, given historical contexts marked by colonialism and neocolonial developments. The metaphor of a 'gift' is critiqued for its association with actions such as the theft of nations and enslavement during colonial times and contemporary forms of vassalage through trade, aid, development, and human rights conditionality (Baxi, 2008). Measurement of human rights serves critical functions, including contextual description, monitoring and documentation of violations, classification of violations, mapping patterns over space and time, and secondary analysis for policy solutions. Accumulating information and

systematic analysis provide the foundation for human rights policy development, advocacy, and education (Rubin & Newberg, 1980, p. 268). The growth of the concept of human rights as a separate discipline in social sciences is underlined by philosophers who have sought to articulate mechanisms for human rights protection. Human rights, in this context, offer a fundamental basis for harmonious coexistence in society. Jack Donnelly notes the conceptual emptiness of human rights theories, and the contentious nature of discussions surrounding human nature. Various philosophical anthropologies, ranging from Aristotle's *zoon politikon* to feminist theories challenging gendered conceptions, contribute to the complexity of the discourse on human rights (Donnelly, 2014).

The concept of human rights is a cornerstone of ethical, legal, and philosophical discourse, embodying the fundamental values and principles that underpin the dignity and worth of every individual (United Nations General Assembly, 1948). The definitions of human rights theories are multifaceted, reflecting the intricate interplay of legal frameworks, moral philosophy, and evolving societal norms. In legal contexts, human rights are often defined as inherent, inalienable entitlements that individuals possess by virtue of their humanity. The Universal Declaration of Human Rights (UDHR), adopted by the United Nations in 1948, stands as a seminal document that articulates the core principles of human rights (United Nations General Assembly, 1948). According to the UDHR, human rights encompass a broad spectrum of civil, political, economic, social, and cultural rights, emphasizing the universality and indivisibility of these entitlements.

Philosophically, human rights theories delve into the moral foundations of these entitlements. John Locke, in his influential work "Two Treatises of Government," posited the natural rights of life, liberty, and property as inherent to all individuals (Locke, 1824). Locke's philosophy laid the groundwork for the concept of individual rights that later permeated legal and political thought. The evolution of human rights in national and international discourse has witnessed a dynamic interplay of legal codification and philosophical exploration (Donnelly, 2003). Scholars like Jack Donnelly scrutinize the tension between cultural relativism and universalism, acknowledging cultural diversity but positing a core set of rights that transcend cultural and political boundaries (Donnelly, 2003).

Legal scholar Henry J. Steiner, in collaboration with Philip Alston and Ryan Goodman, explores the contextual nature of human rights, emphasizing the importance of considering social, economic, and political factors in understanding their application (Steiner et al., 2008). This contextualization reflects the evolving understanding of human rights, recognizing their dynamic interaction with changing societal norms. The core principles of human rights theories encompass a commitment to human dignity, equality, and justice. In the legal sphere, scholars like Louis Henkin emphasize the legal enforceability of human rights through international treaties and conventions (Henkin, 1990). This legal framework establishes mechanisms for accountability and redress in cases of rights violations. Philosopher Martha Nussbaum introduces the capabilities approach, asserting that human rights should focus on enabling individuals to lead flourishing lives (Nussbaum, 2006). This broader understanding of well-being extends beyond negative liberties to encompass positive opportunities and capabilities (Nussbaum, 2006).

The evolving landscape of human rights theories is marked by ongoing debates and refinements. Legal scholar Cass Sunstein discusses the expansion of human rights to include social and economic rights, reinforcing the idea that rights should not only protect individuals from state interference but also empower them to lead fulfilling lives (Sunstein, 2004).

### **III. NATURAL RIGHTS THEORY OF HUMAN RIGHTS**

Natural rights, rooted in human nature and associated with thinkers like Locke, Paine, and Jefferson, aligns with the older concept of natural law but may carry burdens such as the Lockean tradition's focus on civil and political rights. The notion of rights of man portrays man as the origin of rights, implying a more complex and potentially insightful source when considering man as rational and moral. However, this phrase, especially in English, bears deep ideological connotations from the French Revolution era and regrettable sexist undertones (Donnelly, 2014, pp. 17-18). While it is commonly assumed that contemporary human rights doctrines are grounded in a natural rights theory, the term "human rights" is often synonymous with what Locke and his successors intended as natural rights—rights inherent to being a person. These rights, emanating from human nature, are entitlements held simply by virtue of one's humanity (Donnelly, 1982, pp. 391-405). The natural rights theory asserts that human rights derive solely from human nature, where entitlements are expressed as human rights to safeguard or realize essential human attributes. This framework is contingent on a philosophical anthropology—a theory of human nature—that delineates what it means to be a human being or moral person. Notably, a natural rights theory is inherently compatible with a wide range of rights theories, its distinguishing feature being the identification of human nature as the wellspring of human rights (Donnelly, 1982, pp. 391-405). However, challenges arise when scrutinizing specific rights, such as the right to work, within a natural rights framework. While natural rights theorists argue that individuals, merely by being human, are entitled to certain treatment, questions linger regarding

whether this theory adequately encompasses rights like the right to work. Beitz suggests that the right to work may not be inherently held on the basis of being human, prompting an examination of the theory's capacity to encompass diverse human rights.

The natural rights theory, a foundational concept in the discourse of human rights, traces its historical origins to the Enlightenment era and has evolved through diverse philosophical trajectories. This theory posits that individuals possess inherent rights by virtue of their humanity, independent of societal or governmental recognition. The philosophical underpinnings of natural rights find their roots in the works of Enlightenment thinkers, gaining prominence with key proponents such as John Locke, Jean-Jacques Rousseau, and Immanuel Kant.

John Locke, an influential philosopher of the 17th century, asserted that natural rights—specifically, life, liberty, and property—are pre-existing, inalienable entitlements that precede the establishment of civil societies (Locke, 1824). Locke's ideas laid the groundwork for the notion that individuals possess inherent rights independent of social contracts, serving as a cornerstone for subsequent natural rights theories. Jean-Jacques Rousseau expanded on Locke's concepts, emphasizing the idea of a "general will" that represents the collective interests of a society (Rousseau, 1762). Rousseau's contributions infused a communitarian dimension into the natural rights discourse, exploring the tension between individual liberties and the common good. Immanuel Kant, in the late 18th century, brought a deontological perspective to natural rights, contending that individuals possess intrinsic dignity and are ends in themselves (Kant, 1785). Kant's moral philosophy emphasized the categorical imperative, framing moral actions as universal principles applicable to all rational beings.

The natural rights theory, while foundational, has faced critiques over the centuries. Contemporary scholars, such as Martha Nussbaum, question the adequacy of a rights-based approach, arguing for a capabilities-based perspective that focuses on individuals' substantive opportunities (Nussbaum, 2006). Critics contend that a strict reliance on rights might not address systemic inequalities and the diverse needs of individuals. The ongoing relevance of the natural rights theory is evident in its influence on contemporary human rights frameworks. The Universal Declaration of Human Rights (UDHR), adopted in 1948, echoes the spirit of natural rights by recognizing fundamental entitlements such as life, liberty, and security of person (United Nations General Assembly, 1948). The UDHR reflects a global consensus on the universality of human rights rooted in inherent human dignity.

#### ***IV. SOCIAL JUSTICE THEORY OF HUMAN RIGHTS***

According to the social justice model, human rights signify entitlements to fulfil diverse human interests guaranteed by principles of social justice, akin to Rawls' framework. Beitz contends that instead of human nature, social justice is the origin of human rights. The definitions of human nature and social justice, however contested, inevitably result in distinct lists of human rights, shaping the nature and potency of human rights claims. The dispute between natural rights and social justice theories revolves around the fundamental questions of what human rights entail and how they function, highlighting the significant implications of these divergent perspectives (Beitz, 1979, pp. 45-63). The social justice theory of human rights represents a paradigm that integrates ethical, political, and economic dimensions, aiming to address systemic inequalities and promote fairness and equity within societies. This theory recognizes that human rights are interconnected with broader social structures and seeks to mitigate disparities by fostering inclusive policies and distributive justice. Key theorists have significantly contributed to the development of the social justice theory, emphasizing the importance of creating just societies.

John Rawls, a prominent figure in political philosophy, introduced the concept of justice as fairness. In his seminal work, "A Theory of Justice" (Rawls, 1971), Rawls proposed the original position—a hypothetical scenario where individuals, unaware of their personal attributes, determine the principles of justice. He argued for the prioritization of basic liberties and the establishment of socio-economic structures that benefit the least advantaged. Rawls's theory has profoundly influenced discussions on social justice and human rights by introducing a principled approach to the distribution of societal goods. Amartya Sen, a Nobel laureate in economics, contributed significantly to the social justice theory by emphasizing the capabilities approach. In "Development as Freedom" (Sen, 1999), Sen argued that human well-being should be assessed based on individuals' capabilities to lead valuable lives. He underscored the importance of enhancing people's substantive freedoms, such as healthcare and education, as a means to achieve social justice. Sen's capabilities approach has been influential in shaping human rights discourse, highlighting the interconnectedness between freedoms and well-being. Martha Nussbaum expanded on Sen's capabilities approach, providing a list of central human capabilities that form the basis for a flourishing life (Nussbaum, 2000). Her work "Women and Human Development" emphasized the need to address gender-based inequalities and highlighted the role of social, political, and economic factors in fostering human capabilities. Nussbaum's contributions underscore the intersectionality of social justice and human rights, particularly in the context of gender equity.



The social justice theory recognizes that human rights cannot be divorced from socio-economic and political contexts. It contends that addressing systemic injustices is integral to the realization of human rights. The principles advocated by Rawls, Sen, Nussbaum, and other social justice theorists have influenced international declarations and frameworks, aligning with the pursuit of equitable societies globally. In contemporary discussions, the social justice theory remains relevant as societies grapple with issues such as income inequality, discrimination, and unequal access to resources. The integration of social justice principles into human rights frameworks reflects an ongoing commitment to addressing structural inequalities and fostering inclusive societies where all individuals can fully realize their potential.

### ***V. RAWLS' THEORY OF HUMAN RIGHTS***

John Rawls' seminal work, "A Theory of Justice," (Rawls, 1971) has become a cornerstone in contemporary human rights discourse, influencing the very fabric of domestic and international theories on the subject. Rawls, who believes that justice is the foundational virtue of social institutions, employs a modified version of the 'state of nature,' rooted in the social contract tradition. In this framework, justice emanates from the basic institutions of society, with rights and duties derived from the principles of justice governing the distribution of benefits and burdens in social cooperation. Central to Rawls' philosophy is the 'initial position,' where individuals operate under limited knowledge and judgment. He emphasizes that the inviolability founded on justice cannot be compromised for societal welfare. In a just society, liberties of equal citizenship are non-negotiable, and rights secured by justice transcend political bargaining or the calculus of social interests. Rawls contends that universal principles of justice result from rational human decisions reached through a fair agreement in an initial situation. Rawls articulates two pivotal principles of justice. The First Principle asserts the equal right of each person to the most extensive total system of equal basic liberties, crucial for individual liberty's development. While not exhaustively enumerated, these basic liberties encompass political rights, freedom of speech, assembly, conscience, thought, and freedom from arbitrary arrest. The Second Principle, dealing with distributive justice, advocates arranging social and economic inequalities to benefit the least advantaged, in line with a just saving principle and fair equality of opportunity. Rawls identifies 'primary goods,' including rights, liberties, power, wealth, opportunities, and self-respect, to be equitably distributed in a just society. This comprehensive framework establishes Rawls' enduring legacy in shaping discussions on human rights, as he intricately interweaves principles of justice, social cooperation, and individual liberties. (Shestack, 2002)

Central to Rawls's theory is the original position—a hypothetical scenario where individuals, placed behind the veil of ignorance, decide on the principles of justice (Rawls, 1971). The veil of ignorance conceals specific details about one's identity, such as social status, wealth, and personal attributes. In this state of 'blindness,' individuals are unbiased architects of justice, uninfluenced by their actual circumstances. Rawls argued that rational individuals, when ignorant of their particular circumstances, would formulate principles of justice that maximize fairness. They would seek to establish a just society that safeguards basic liberties and prioritizes the well-being of the least advantaged. This hypothetical construct serves as a moral foundation for Rawlsian justice, demonstrating how individuals, devoid of knowledge about their own fates, would design a society that mitigates inequalities.

Rawlsian principles offer valuable insights when applied to contemporary human rights challenges. For instance, in addressing economic inequality, Rawls's focus on the least advantaged aligns with the goal of ensuring fair distribution of resources. Policymakers and human rights advocates can use Rawls's principles to design socio-economic policies that prioritize the needs of marginalized populations. Moreover, the original position and the veil of ignorance shed light on issues of discrimination. By encouraging a perspective where individuals do not know their social identities, Rawlsian ethics challenge discriminatory practices. This prompts considerations for policies that promote equal opportunities and combat systemic biases. In the realm of global justice, Rawls's theory has been extended to address the disparities between developed and developing nations. Scholars have explored how Rawlsian principles can guide international relations to create a more just global order, emphasizing fair trade, development assistance, and the protection of basic human rights (Pogge, 2001). While Rawls's theory has faced criticisms, particularly regarding its applicability to diverse cultural contexts, it remains a robust framework for conceptualizing human rights. The principles derived from the original position offer a compelling foundation for discussions on justice and fairness, providing a theoretical lens through which contemporary challenges can be examined. Rawls's theory of human rights, anchored in the original position and the veil of ignorance, offers a compelling vision of justice. Its application to contemporary human rights challenges demonstrates the enduring relevance of Rawlsian principles in guiding ethical considerations and policy formulations.

### ***VI. BEITZ'S SOCIAL JUSTICE THEORY OF HUMAN RIGHTS***

Charles R. Beitz's social justice theory stands as a foundational framework within the realm of human rights discourse. His insightful contributions, notably in "The Idea of Human Rights" (2009), unravel a profound examination of global justice. At the heart of Beitz's theory lies the cosmopolitan perspective, contending that individuals, regardless of nationality, possess moral claims to fundamental rights (Beitz, 2009). A key tenet

involves restructuring the international order to acknowledge and address the moral significance of human rights. Beitz advocates for a world where basic rights are recognized and respected on a global scale. While Beitz's theory has significantly shaped contemporary human rights discourse, it is not immune to critiques. Some argue that the cosmopolitan perspective, while morally appealing, may overlook the complexities of cultural diversity and national sovereignty. Critics contend that a one-size-fits-all approach might not be suitable for addressing the unique contexts of different nations. Moreover, Beitz's emphasis on moral equality may face challenges in practical implementation, given the geopolitical realities and power dynamics among states. Critics question the feasibility of achieving global justice without accounting for the varying capacities of states to uphold human rights.

Beitz's theory has profound implications for reshaping international relations and policy frameworks. It calls for a reconsideration of existing structures, urging the creation of institutions that can safeguard and promote human rights globally. Practical applications include fostering diplomatic efforts, international collaborations, and legal mechanisms that align with the principles of social justice. The theory also prompts a re-evaluation of interventions in instances of humanitarian crises, advocating for a more principled and just approach to address violations of human rights. Beitz's work encourages policymakers to incorporate a cosmopolitan perspective in their decision-making processes. Scholarly engagement with Beitz's social justice theory has led to an array of research exploring its applicability, limitations, and potential adaptations. Researchers delve into the intersectionality of human rights, considering factors such as gender, race, and socio-economic disparities within the cosmopolitan framework. Ongoing scholarly discourse reflects the dynamism of Beitz's theory, adapting to the evolving landscape of human rights challenges. Interdisciplinary studies examine the intersections between social justice, political philosophy, and international relations, contributing to a richer understanding of Beitz's propositions.

Even if a natural rights theory can encompass the entirety of human rights, it may still be less desirable than a rival theory, prompting consideration of Beitz's social justice model. This model defines human rights as entitlements to fulfill various human interests guaranteed by Rawlsian principles of social justice, inherently contextual and adaptable to factors like culture and economic development. While this adaptability is viewed as advantageous by Beitz, it poses a significant drawback—human rights lose their universality, contradicting the foundational principles of international human rights. The Universal Declaration of Human Rights, adopted by the United Nations, unequivocally conceptualizes human rights as inherent to humans, not products of social cooperation. It asserts the universality of these rights, emphasizing equality without discrimination based on race, color, sex, language, religion, or other factors. The International Human Rights Covenants similarly stress that these rights stem from the inherent dignity of the human person, emphasizing universality. Beitz's social justice model, however coherent, challenges established international human rights principles by blurring the distinction between human rights and other non-rights based goals, principles, and values. While Beitz's theory has its merits, it lacks compatibility with the fundamental grounding of human rights in human nature and dignity as stipulated in the Universal Declaration and the Covenants.

## **VII. PLURALIST APPROACHES TO HUMAN RIGHTS**

The anthropological and pluralist perspectives on human rights diverge in their emphasis. Anthropological approaches focus on the diversity of human rights origins, their ongoing evolution, the core similarities across diverse cultural traditions, and the imperative to promote human rights universally. Pluralist approaches, in contrast, underscore unity within this diversity, acknowledging extra-legal dimensions and the necessity for grassroots support in achieving human rights. Anthropologists contribute to pluralist perspectives by connecting community concepts and practices with international standards, considering the evolving human rights framework as reflective of the UN system's adaptability. Pluralists view political, economic, development, and indigenous rights as interconnected and evolving concepts. Cross-cultural evidence supports this pluralist stance, recognizing that human rights implementation requires a multifaceted approach involving legal, educational, political, and cultural means. Efforts to implement human rights at all social levels include cross-cultural "bottom-up" approaches and educational strategies. While comparative legal approaches remain rare, there is a growing recognition of the need to investigate how local cultural standards align with or diverge from international norms. Enhancing human rights education is essential, with a shift towards a more emotionally resonant communication style based on sentiment and stories. Scholars argue that emphasizing the emotional connection, rather than relying solely on rational discourse, may be more effective in fostering empathy and understanding. The sentimental basis of human rights behavior, often overlooked, offers a potential avenue for anthropology to explore. Anthropologists could delve into why individuals, despite being culturally conditioned to exclude the "other," might still feel empathy, especially in situations where reasoned moral obligation is challenging. This exploration aligns with anthropology's historical role in studying moral philosophy and human classification. Within the broad tapestry of pluralist frameworks for human rights, the challenge of managing competing rights emerges as a complex yet vital aspect. Pluralism, seeking to reconcile cultural relativism and universalism, acknowledges the existence of diverse and often conflicting rights within the intricate fabric of

human societies. Scholars such as Anne Phillips shed light on the dynamics of competing rights within pluralist paradigms. In her work "Multiculturalism without Culture," Phillips underscores the need for navigating clashes between different rights, particularly when they arise from cultural diversity (Phillips, 2007). This perspective prompts a closer examination of the delicate equilibrium between respecting cultural nuances and upholding overarching human rights principles. Understanding the interplay of competing rights demands a nuanced approach. The capabilities approach, championed by Martha Nussbaum, provides a valuable lens for exploring how diverse rights can coexist without compromising individual well-being (Nussbaum, 2000). This approach emphasizes the importance of fostering capabilities that are universally essential while allowing for contextual variations.

The delicate balance between cultural relativism and universalism becomes especially apparent in contexts where cultural practices clash with international human rights standards. Consider, for instance, debates around cultural traditions that may infringe upon the rights of specific groups, such as women or minority communities. Pluralist frameworks grapple with how to address such tensions without imposing a homogenizing narrative. Critics argue that the relativistic stance within pluralism might inadvertently perpetuate discriminatory practices, especially when competing rights involve power imbalances. To navigate this, Bhikhu Parekh's notion of "contextual universalism" becomes relevant. Parekh suggests that while universal principles exist, their interpretation should be context-specific, accounting for diverse cultural norms and values (Parekh, 2000). In exploring competing rights within pluralist frameworks, the importance of a contextual and intersectional approach cannot be overstated. The complexities of identity, power, and historical context influence the ways in which rights interact. Scholars like Iris Marion Young, in her work on the "politics of difference," emphasize the need to consider how various social categories intersect and influence the experience of rights (Young, 1990).

### **VIII. SOCIAL CONTRACT THEORY OF HUMAN RIGHTS**

The genesis of systematic human rights thinking is discernible in the writings of the social contract tradition, epitomized by Hobbes, Locke, and Rousseau. These philosophers sought to shield individuals from state abuse, challenging the medieval divine right of kings. The transition from a state organized around pre-social human nature to a civil society marked by a contractual agreement between individuals and the state curtailed the ruler's arbitrary control over human life, previously justified by divine decree. In this tradition, Hobbes, acknowledging the inherent greed and violence of humans in their natural state, advocated for an all-powerful Leviathan to maintain order through a contractual agreement. Despite Hobbes's emphasis on the ruler's authority, he recognized the necessity of protecting individuals' rights, and the state emerged to fulfill this fundamental need. Locke, while adopting Hobbes's methodology, diverged in his interpretation of human nature, positing humans as fundamentally good, peaceful, and mercantile in the state of nature. Locke emphasized the need for a state to protect the right to life and property, advocating for a ruler as an arbiter in trade and property disputes. Locke's ideas laid a foundational framework for subsequent human rights thinking. A century later, Jean Jacques Rousseau refined the social contract concept within the French Enlightenment tradition. Rousseau envisioned participatory democracy in smaller communities, expressing the general will of the people. He emphasized the social contract's virtue in organizing collective defense of liberty and order, providing citizens with morality lacking in the state of nature. The social contract tradition's contributions to human rights extended beyond Rousseau, with contemporaries like Montesquieu and Voltaire contributing to the philosophy. Montesquieu's separation of powers theory and Voltaire's stance against censorship and advocacy for freedom of expression marked milestones in human rights philosophy. Even thinkers like Helvetius, a hedonist, contributed by endorsing universal education. The evolution of human rights philosophy thus reflects the collective efforts of these influential figures in reshaping political thought and fostering the principles of justice and individual freedoms.

The social contract theory, a cornerstone in political philosophy, has significantly contributed to the conceptualization and understanding of human rights. Originating from Enlightenment thinkers, particularly Thomas Hobbes, John Locke, and Jean-Jacques Rousseau, the social contract theory posits that individuals enter into a mutual agreement, surrendering some of their natural rights in exchange for organized society and protection under a governing authority. Hobbes, in his seminal work "Leviathan," envisioned a state of nature characterized by chaos and conflict, where life was "solitary, poor, nasty, brutish, and short" (Hobbes, 1651). To escape this tumultuous existence, individuals, in Hobbes's view, willingly relinquish certain liberties to a sovereign power, establishing a social contract for the sake of collective security. Locke, on the other hand, in "Two Treatises of Government," asserted that the social contract was formed to safeguard natural rights—life, liberty, and property. According to Locke, individuals willingly submit to a common authority to secure their inherent rights, and should this authority fail in its duty, the contract could be dissolved (Locke, 1690). Rousseau's contribution, outlined in "The Social Contract," introduced the idea of the "general will" as the foundation of a just society. For Rousseau, the social contract emerges from the collective desire of individuals to establish a system that reflects the common good, and this general will serves as the guiding principle for a legitimate government (Rousseau, 1762). The social contract, as envisioned by these thinkers, lays the groundwork for understanding human rights. It implies that certain rights are inherent and

inalienable, forming the basis for the just exercise of governmental power. The contract also delineates the reciprocal obligations between individuals and the state, underscoring the idea that the legitimacy of authority hinges on its commitment to protecting the rights of its citizens. Contemporary scholars have further refined the social contract theory within the context of human rights. John Rawls, in "A Theory of Justice," presented a revised social contract, introducing the concept of the "original position" and the "veil of ignorance." Rawls posited that individuals, unaware of their specific characteristics, would establish a social contract that prioritizes fairness and justice (Rawls, 1971).

### ***IX. KANT'S THEORY OF HUMAN RIGHTS***

Immanuel Kant, the German philosopher, laid the true foundations for modern human rights, diverging from Locke's abstract notions by presenting a practical and morally driven manifesto that underscores the qualitative acknowledgment of fundamental dignity. According to Byrne (2004), Kant's contributions have permeated the core of human rights discourse. Kant's philosophy revolves around the autonomy of individuals, asserting that rights stem from the freedom to choose one's purpose. The state, in Kant's view, should facilitate conditions that ensure the unrestricted and harmonious development of individuality. Notably, he distinguishes human rights from civil, international, and cosmopolitan rights. Kant's belief in the unity of the human race is evident in his assertion that everyone has the right to be part of society due to the communal ownership of the Earth's surface. As he expressed, "all men are entitled to present themselves in the society of others by virtue of their right to communal possession of the earth's surface," acknowledging the necessity for individuals to coexist on the globe. In essence, Kant's philosophical stance on human rights stands out for its emphasis on practical and moral action, grounded in the profound recognition of inherent dignity. His contributions mark a significant departure from abstract theories, providing a substantive framework that has endured and shaped contemporary human rights discussions.

Immanuel Kant's moral philosophy, particularly his theory of human rights, has left an indelible mark on the discourse surrounding individual liberties and ethical obligations. In his seminal work, "Groundwork of the Metaphysics of Morals" and "Critique of Practical Reason," Kant laid out a deontological framework that transcends cultural and contextual differences, focusing on the inherent worth of individuals. Kant's theory of human rights centers on the notion of human dignity as the foundational principle. He argued that every person possesses intrinsic worth by virtue of being rational and autonomous. Kantian ethics, in this context, posits that individuals should be treated as ends in themselves, not merely as means to an end. This emphasis on autonomy underscores the importance of respecting individuals' capacity to reason and make moral decisions freely. categorical imperative is a key element of his human rights theory. He formulated it in various ways, with the most famous expression being: "Act only according to that maxim whereby you can at the same time will that it should become a universal law" (Kant, 1785). This universalizability principle implies that for an action to be morally permissible, individuals must be able to will it as a universal law applicable to everyone.

Kant's theory of human rights has profound implications in contemporary debates. The emphasis on individual autonomy and dignity aligns with the foundational principles of modern human rights discourse. It provides a robust philosophical basis for universal human rights that transcends cultural relativism, offering a normative framework for ethical decision-making on a global scale. Despite its significance, Kant's theory has faced criticisms. Some argue that the rigid application of the categorical imperative may not adequately address complex moral dilemmas. Additionally, the theory's emphasis on autonomy has been critiqued for not sufficiently accounting for the importance of empathy and relational ethics in determining moral actions. Moreover, challenges arise when applying Kantian principles to issues like economic inequality and social justice. Critics contend that the abstract nature of Kant's moral philosophy may not provide concrete guidance on addressing systemic injustices or promoting positive social change.

### ***X. THOMAS PAINE'S THEORY OF HUMAN RIGHTS***

Thomas Paine, a champion of the Rights of Man in the liberal tradition, endorsed the French and American revolutions, emphasizing individual sovereignty and advocating for minimal state interference. Aligned with Locke, he upheld inalienable rights like the freedom and happiness of individuals. Paine's ideas influenced Mary Wollstonecraft's *A Vindication of the Rights of Women*, a pivotal work in the women's rights movement. Giuseppe Mazzini, an ardent republican, followed Paine's path, asserting that the state's role is to unify individuals with diverse interests under one banner, facilitating the fulfilment of their duties to the nation.

Thomas Paine, a revolutionary pamphleteer, and political theorist, played a pivotal role in shaping the discourse on human rights during the late 18th century. His influential works, particularly "Common Sense" (1776) and "Rights of Man" (1791-1792), laid the groundwork for democratic thought and contributed significantly to the understanding and advocacy of human rights. Paine's theory of human rights is grounded in the idea of natural rights – rights inherent to individuals by virtue of their humanity. In "Rights of Man," Paine argued that these natural rights, encompassing liberty, property, and security, form the foundation of a



just and equitable society. His emphasis on the universality and inalienability of these rights reflected Enlightenment ideals and echoed the sentiment that these rights are not contingent upon societal or political structures. Paine's contributions to the rights of man were particularly evident in his fervent support for the American and French revolutions. In "Common Sense," he passionately advocated for American independence, urging colonists to break away from British rule and establish a democratic republic. "Rights of Man" similarly championed the principles of equality, representative government, and the right to resist oppressive regimes. Paine's writings provided intellectual ammunition for those challenging monarchies and advocating for the inherent rights of individuals. Influence of Paine's democratic and revolutionary thought extended beyond his lifetime. His works became foundational texts for democratic movements worldwide, influencing subsequent generations of political thinkers and activists. His uncompromising stance on the natural and equal rights of individuals resonated with the spirit of democratic uprisings and anti-colonial movements.

Contemporary interpretations of Paine's theory vary, reflecting the evolving nature of political thought. Some scholars argue that Paine's emphasis on individual rights and democracy aligns with contemporary human rights discourse. Others critique the individualistic nature of his theory, pointing out potential limitations in addressing collective rights and social justice issues. In recent years, there has been a renewed interest in Thomas Paine's contributions to human rights, with scholars exploring the applicability of his ideas to contemporary challenges. Discussions around the global promotion of democracy, the role of civil disobedience, and the relationship between individual and collective rights often invoke Paine's theories as a reference point.

## ***XI. KARL MARX'S APPROACH TO HUMAN RIGHTS***

Karl Marx, hailed as a 20th-century prophet, vehemently criticized the idealistic and ahistorical nature of individual natural rights. In his view, in a society dominated by capitalist control over production and distribution, notions of individual rights are mere illusions serving the interests of the bourgeois class. Marxism, despite being declared obsolete by liberals, wielded significant influence over more than half the globe in the 20th century. While liberals may now consider it defunct, the Marxist paradigm remains a potent analytical tool for comprehending human rights violations in the developing societies of the third world (Patnaik, 2001).

Karl Marx, a towering figure in political philosophy, provides a distinctive approach to human rights that fundamentally challenges the prevailing liberal understanding (Marx, 1844). While Marx did not explicitly formulate a theory of human rights, his critique of bourgeois rights, exploration of class struggle, and influence on contemporary Marxist perspectives contribute significantly to discussions on human rights. Marx's critique of bourgeois rights forms a cornerstone of his approach to human rights. In works like "On the Jewish Question," he scrutinized the liberal notion of individual rights, arguing that the rights proclaimed in bourgeois society were merely formal and failed to address substantive issues (Marx, 1844). Marx contended that these rights, often characterized as abstract and universal, were inherently tied to the economic and social conditions of capitalist societies. He argued that the purported equality and freedom enshrined in bourgeois rights concealed deeper inequalities inherent in capitalist systems.

The concept of class struggle is central to Marx's analysis and significantly impacts his views on human rights. Marx posited that history is a continuous struggle between different classes, primarily the bourgeoisie and the proletariat (Marx & Engels, 1848). This struggle, he argued, is the driving force behind societal change. In this context, human rights were seen as reflective of the dominant class's interests, serving to maintain the existing social order. Marx contended that the formal rights of the bourgeoisie were tools of ideological control, perpetuating the economic exploitation of the working class. The impact of class struggle on human rights, according to Marx, reveals the limitations of rights discourse within capitalist societies. As the bourgeoisie secures its dominance, human rights are compromised, particularly for the working class. The right to fair wages, reasonable working conditions, and collective bargaining – crucial for the proletariat – often clashes with the interests of capital. In this context, Marx asserted that genuine human emancipation could only be achieved through the abolition of the capitalist system, transcending the confines of bourgeois rights.

Contemporary Marxist perspectives on human rights have evolved, incorporating insights from various strands of Marxist thought (Wood, 1998). While traditional Marxist approaches tend to emphasize economic factors, newer interpretations consider the broader implications of cultural, social, and political contexts. Marxist human rights scholars often highlight the interconnectedness of civil and political rights with economic, social, and cultural rights, challenging the compartmentalization of rights prevalent in liberal discourse (Pashukanis, 2002). The Marxist critique of human rights has been extended to address issues such as globalization, neocolonialism, and the commodification of basic needs. Marxist scholars argue that the global capitalist system perpetuates inequalities, reinforcing the domination of certain nations over others (Baxi, 1986). The exploitation of cheap labor, depletion of natural resources, and the imposition of economic policies detrimental to developing nations are seen as human rights violations rooted in the capitalist mode of

production. Despite the criticism and evolution of Marxist perspectives, debates persist regarding the compatibility of Marxist thought with the discourse on human rights. Critics argue that Marxist emphasis on the role of the state in enforcing class interests may lead to authoritarianism and neglect of individual freedoms. However, proponents contend that understanding human rights through a Marxist lens unveils systemic inequalities and offers a path toward transformative social change. Karl Marx's approach to human rights is characterized by a profound critique of bourgeois rights, a focus on class struggle, and contemporary Marxist perspectives that extend the analysis to global socio-economic contexts. While Marx did not formulate a specific human rights theory, his insights continue to stimulate discourse on the interconnectedness of political, economic, and social rights and the imperative of addressing structural inequalities for genuine human emancipation.

## ***XII. SOCIALIST CONCEPT OF THE PROTECTION OF HUMAN RIGHTS***

The socialist perspective on human rights, as articulated by various Soviet scholars, emphasizes that these rights constitute the fundamental democratic entitlements that states must extend to individuals within their jurisdiction. According to S. V. Chernichenko (1964) and P. E. Nedbailo (1968), these rights gain legal significance when enshrined in state legislation. The socialist stance maintains that individual rights, falling outside the purview of international law, mandate states to be responsible for granting such rights to their citizens. Scholars like S. B. Krylov (1919) and A. P. Movchan (1969) stress that the protection of individuals is not directly governed by international law but relies on national legal frameworks. Movchan (1969) asserts that international law recognizes individuals as subjects of national law, discouraging direct international organ protection to avoid interference in domestic affairs and sovereignty infringement. Nedbailo (1968) underscores the predominant role of the state in human rights protection, stating that human rights and freedoms are within the sovereign state's purview, as outlined in Article 56 of the United Nations Charter. This perspective posits a dual-element approach to human rights protection: national and international. Y. A. Ostrovsky (1966) highlights the inseparable interlinkage of intrastate and international aspects of human rights protection. On the national level, Ostrovsky (1966) argues that human rights protection involves actions by individual states, influenced by socio-economic systems, development levels, legal structures, and local conditions. Notably, he emphasizes that norms and principles governing human rights at the national level vary between countries and should not be perceived as universally uniform. Conversely, at the international level, states collaborate within the United Nations to formulate norms and principles on human rights protection, resulting in conventions, declarations, and resolutions that are universally applicable. K. Y. Chizhov (1971) describes socialist states' practice, emphasizing cooperation for democratic development without discrimination based on race, nationality, sex, or religion. Importantly, Chizhov (1971) asserts that international agreements should not compromise states' sovereign rights to define citizens' rights independently.

Socialist concepts of protecting human rights underscore the pivotal role of the state in ensuring socio-economic rights. Scholars like G.A. Cohen argue that genuine freedom necessitates not only the absence of interference but also positive conditions for individuals to fulfill their potential. In Cohen's work, "Self-Ownership, Freedom, and Equality," he elucidates how socialism seeks to diminish inequalities in resources, fostering a more equitable distribution that, in turn, enhances human capabilities (Cohen, 1995). A critical analysis of the state's role in realizing socio-economic rights is imperative. The state, according to O. O'Donnell, must act as a mediator to balance competing interests, ensuring that socio-economic policies prioritize marginalized groups (O'Donnell, 1998). This involves not just safeguarding basic needs but actively promoting conditions for self-realization and empowerment. However, socialist principles face critiques and complexities in implementation. H. Arendt, in "The Human Condition," criticizes socialism's potential to reduce individuals to mere recipients of state provisions, questioning the impact on human agency (Arendt, 1958). This aligns with concerns raised by J. Rawls, who contends that socialist approaches might risk stifling personal initiatives (Rawls, 1971). Addressing these complexities, E. Ostrom's research on "Governing the Commons" underscores the importance of local and participatory decision-making to prevent state overreach and encourage responsible resource management (Ostrom, 1990). This aligns with socialist ideals while providing a nuanced perspective on potential pitfalls. Moreover, socialist principles encounter challenges in the globalized world. R. Barrow, in "Socialism in One Country, 1924-1926," highlights the tension between domestic socio-economic policies and the interconnected global economy, necessitating adaptive strategies (Barrow, 1979).

## ***XIII. DOCTRINE OF MORAL CORRELATIVITY***

The concept of moral correlativity, outlined by Feinberg, posits that holding rights necessitates the capability and willingness to fulfill corresponding duties. While some argue that rights must be unconditional, this notion is refuted with the example of a prisoner whose rights are suspended due to unmet duties. It is acknowledged that making rights contingent on duties can be justified, suggesting that, for adults, all rights might hinge on duties. However, the doctrine appears contingent, as infants and animals seemingly possess

rights independent of duty performance. Consequently, societies linking rights to duties can still be recognized as having rights (Renteln, 1988).

The doctrine of moral correlativity explores the inherent interdependence between moral rights and duties, a philosophical concept that has profound implications for human rights discourse. As D. W. Haslett argues in "Rights and Duties: A Conceptual Analysis," the moral fabric of any society is intricately woven with the reciprocal relationship between what individuals are entitled to and the corresponding obligations placed upon others (Haslett, 1995). This interdependence forms the crux of moral correlativity, as articulated by H. L. A. Hart in "The Concept of Law." Hart posits that rights and duties are inextricably linked; one person's right necessitates another person's duty, creating a relational dynamic essential for the functioning of ethical frameworks (Hart, 1961).

In the realm of human rights discourse, moral correlativity sheds light on the foundational principles of justice and fairness. M. Beyleveld and R. Brownsword, in their work "Human Dignity in Bioethics and Biolaw," extend this concept to argue that recognizing the correlativity of rights and duties is pivotal for safeguarding human dignity within the context of bioethics and biolaw (Beyleveld & Brownsword, 2001). However, this doctrine is not without criticisms. Critics like J. Feinberg, in "The Moral Limits of the Criminal Law," question the strict correlativity thesis, suggesting that moral rights can exist independently of corresponding duties, thereby challenging the foundational assumption of moral correlativity (Feinberg, 1984). Addressing these criticisms requires a nuanced perspective. A. Gewirth, in "The Basis and Content of Human Rights," proposes a principle of generic consistency, arguing that the correlation between rights and duties is not always one-to-one, but there exists a generic consistency that upholds the moral fabric (Gewirth, 1978). The doctrine of moral correlativity illuminates the interconnected nature of moral rights and duties. Haslett, Hart, and others underscore the relational dynamics that define ethical systems. In human rights discourse, Beyleveld and Brownsword extend this principle to the preservation of human dignity. While criticisms exist, Gewirth's principle of generic consistency offers a potential resolution, emphasizing the nuanced nature of the relationship between moral rights and duties within the broader framework of ethical considerations.

#### ***XIV. VEDIC THEORY OF HUMAN RIGHTS***

The Vedic Literature, encompassing Brahmanas, Aranyakas, and Upanishads along with hymns, spells, and formulas, imparts wisdom on leading a purposeful, disciplined life. Vedic seers attribute the sense of rights to selfishness, while the sense of duty originates in selflessness. Consequently, the values in Vedic culture are founded on individuals' duties toward one another, creating reciprocal rights. The Mahabharata, a significant Vedic epic, is deemed a repository of knowledge for humanity. Upanishadic literature forms the core of Vedic Philosophy, influencing the Indian mind across ages and earning admiration from Western scholars. The Vedic teachings emphasize the interplay of rights and duties, instilling reverence for others' rights and fostering the concept of humanity. However, contemporary education overlooks human values, unsettling social equilibrium. Ancient Indian education recognized social values, underscoring universal brotherhood in the Advaita Vedanta philosophy. Vedas advocate friendliness and prescribe a code of conduct that condemns destructive actions while promoting care for family, wealth, knowledge, and service to others. The highest virtue lies in prioritizing others' interests over personal gain, embodying selflessness even at personal expense.

Several distinct principles within Vedic philosophy that underscore its robust advocacy for human rights –

##### ***1. Equality of Human Beings***

The Vedas assert the fundamental principle that every human being deserves equal treatment, emphasizing the imperative for shared happiness among all individuals. According to the Riga Veda, "Man reaches a divine state by caring for the distressed, the sick, the blind, and the crippled" (Keshwan, 2002: 87). The Ishavasya Upanishad instructs the recognition of all beings as inherently identical to oneself, advocating the elimination of sorrow and delusion (Goyandaka, 1972: 30). Vedic Literature widely renowned for instilling noble qualities such as compassion, truth, righteousness, generosity, benevolence, respect for humanity, universal love, a strong sense of duty, courage, commitment to promises, selfless sacrifice for a greater cause, and protection of the weak and distressed. The concept of the right to equality is eloquently elucidated in the Riga Veda (Griffith, 1971). The Veda encourages harmonious coexistence, amicable discourse, the pursuit of knowledge with shared ideals, prayers for the welfare of all, discourages divisive sentiments, advocates unity, fosters shared resolutions, and encourages mutual cooperation (Chaubey, Part I, 1997: 226-230).

Highlighting the concept of human rights, the Atharva Veda (Anonymous, 2002) contends, "All individuals have equal entitlement to food and water." It further underscores, "The Supreme Creator, Parmatama, directs humanity to cultivate mutual sympathy, generosity, and friendliness, with each individual aspiring to be a social benefactor" (Chaubey, Part II, 1997: 539-546). Discrimination is vehemently discouraged among the inhabitants of the country. The Vedic seer envisions himself in all beings and perceives all beings within himself, fostering equanimity. Consequently, he regards all as one, applying the same standard to assess pleasure or pain universally, akin to his own experiences.

## 2. Respect to ideologies of other people

The Vedas impart the wisdom of leading a life characterized by tolerance and sacrifice. In practical application, diverse individuals adhere to varying ideologies rooted in their respective sacred texts. Aligning with the teachings of the Vedas underscores that, just as we possess the right to adhere to our sacred scriptures, individuals embracing different ideologies are equally entitled to uphold and respect their own beliefs. Even when personally affected, one is advised not to utter harsh words or harbor detrimental thoughts toward others. According to Jois (2001: 171), the king should extend protection to compacts formed by both followers and non-followers of the Vedas, fostering an environment that respects diverse belief systems.

## 3. Achievement of Happiness

*सर्वे भवन्तु सुखिनः सर्वे सन्तु निरामयाः ।*

*सर्वे भद्राणि पश्यन्तु मा कश्चिद्दुःखभागभवेत् ।*

*May all sentient beings be at peace, may no one suffer from illness.*

*May all see what is auspicious, may no one suffer.*

Resanskrit (n.d.)

True happiness is attained when individuals have the right to acquire both material and spiritual essentials for their well-being. Diligent effort leads to an accumulation of greater sources of happiness, while procrastination inevitably results in falling behind. In principle, everyone is equally entitled to enhance their sources of happiness, whether mundane or spiritual. The foundational principles of morality and social harmony emanate from this intrinsic unity. The brotherhood envisioned in Vedic Tradition transcends geographical boundaries, encompassing the entire human race, as evidenced by the shared prayers of ancient seers (Sharma, 1990: 150). These prayers express a universal aspiration for the well-being of all, advocating happiness, good health, auspicious experiences, and freedom from grief for every individual (Tripathi, 1994: 37).

## 4. Education

Education serves to amplify the radiance of our rights, emphasizing the imperative that everyone should be granted the opportunity to acquire knowledge from every corner of the world. Particularly, individuals with limited financial means should receive comprehensive assistance in this regard. The Mahabharat (Vyasa, 1987) has unequivocally asserted that the pursuit of knowledge and its transmission to subsequent generations is a sacred obligation of every individual. Our scriptures consistently emphasize that parents who neglect the education of their offspring are deemed as adversaries, as highlighted in the assertion that such parents are enemies to their children (Verma, 2006: 57).

## 5. Dharma as Protector of Rights

The term "Dharma" finds its roots in the Sanskrit word "dhri," signifying support, holding together, bearing, carrying, maintaining, and preserving (Apte, 1989: 429). At its core, Dharma represents the moral law that sustains the world, human society, and the individual (Goyandaka, 1993: 13). In the rich tapestry of Hindu culture, Dharma holds a prominent position, intricately woven into various aspects of human life within the Vedic Tradition. It manifests as the Dharma of an individual, the Dharma of a family, the Dharma of society, the Dharma of a caste or sect, the Dharma of a nation, and the Dharma of a king and that of a human being (Verma, 1993: 34).

Undoubtedly, Dharma stands as the cohesive force capable of holding, unifying, and maintaining the entire order of the world. It is the very essence that upholds everything, acting as a societal code of conduct and a mode of life within Indian society. Functioning as both a sociological phenomenon and a personal experience, Dharma's foundational principles, outlined by seers in scriptures, rest on solid ground. Manu delineates ten essential elements of Dharma, encompassing fortitude, forgiveness, self-control, non-stealing, external and internal purity, restraint of the senses, wisdom, knowledge, truthfulness, and absence of anger (Manu, 2005: 500). These encompass fundamental rights such as the right to develop mental ability, the right to justice, and the right to a non-corrupt society (Acharya, 2003: 40-48).

The Shrimad Bhagavat Mahapurana defines the highest virtue of Dharma with a myriad of features, including truthfulness, compassion, austerity, purity, endurance, discrimination, control of mind and senses, non-violence, continence, charity, prayer, straightforwardness, contentment, and service to all with an impartial eye. It further advocates gradual withdrawal from mundane activities, egotism, refraining from futile talk, inquiry into the self, and equitable distribution among created beings according to their worth (Dwivedi, 2005: 67-68). Violating Dharma leads to destruction, while preserving it ensures preservation. The concept of Dharma, deeply rooted in Indian philosophy, vehemently rejects malevolence, falsehood, enmity, deception, treachery, lasciviousness, arrogance, greed, crookedness, usurpation of others' wealth, uncalled-for anger, and conspiracy (Dwivedi, 2005: 68). The Rig Veda depicts Dharma as an upholder and supporter, with subsequent elaborations and extensions during the Upanishadic period, associating it with truth and deeming it the highest principle of human life. The Taittiriya Upanishad underscores the paramount importance of



Dharma, emphasizing its ethical significance in relation to man's social duties (Goyandaka, 1972: 26). Similarly, the Chhandogya Upanishad (Anonymous, 1971) delves into the comprehension of Dharma, encompassing studies, austerities, and contemplation. The Srimad Bhagavad Gita profoundly establishes the importance and significance of Dharma. Lord Krishna declares, "I incarnate whenever there is a decline of righteousness (dharma) and a rise of unrighteousness (adharma). For the protection of the virtuous, the destruction of evildoers, and the establishment of righteousness, I incarnate age after age" (Swami, 2002: 51). In Chapter 16 of the Srimad Bhagavad Gita, Lord Krishna categorizes human propensities into divine and devilish, urging individuals to embrace divine qualities and discard devilish ones. Divine qualities include fearlessness, purification of one's existence, cultivation of spiritual knowledge, charity, self-control, performance of sacrifice, study of the Vedas, austerity, and simplicity. Non-violence, truthfulness, freedom from anger, renunciation, tranquility, aversion to faultfinding, compassion, freedom from covetousness, gentleness, modesty, and steady determination are also attributes of godly individuals. In contrast, demonic qualities encompass arrogance, pride, anger, conceit, harshness, and ignorance, leading to bondage (Swami, 2002: 144-45). Those who endorse discrimination fail to practice Dharma, missing out on genuine happiness, societal respect, and the environments where peace is discussed.

In the legal case of *AS Narayana Deepshitulu* (1996 SC), the Supreme Court provided a comprehensive definition of the term 'dharma.' According to the court, dharma is that which the Vedas indicate as conducive to the highest good, sustaining and ensuring progress and welfare for all in this world and eternal bliss in the other world. Dharma encompasses every type of righteous conduct, covering every aspect of life essential for the sustenance and welfare of the individual and society. It includes rules guiding and enabling those who believe in God and heaven to attain moksha (eternal bliss). The rules of dharma are designed to regulate individual conduct in a way that restricts the rights, liberty, interests, and desires of an individual concerning all matters to the extent necessary in the interest of other individuals, i.e., society. Simultaneously, it obligates society to safeguard and protect the individual in all respects through its social and political institutions. Dharma regulates the mutual obligations of the individual and society. The concept of dharma is broad and comprehensive, aiming to establish harmony, peace, stability, and progress in society and state as its primary realization. The development of modern democracy under the rule of law emphasizes the central importance of the concept of human rights. The application of dharma, rich in its content, is crucial for realizing humane governance in civil society. The Vedas, including the Upanishads, serve as the primordial source of dharma, representing a compendious term for all human rights and duties essential for securing peace and happiness for individuals and society. The profound and subtle secret of dharma lies in its ability to bring both earthly good and supreme good in the form of salvation. From ancient times, dharma has been embraced as an ideal of human life, captivating and inspiring people. Dharma constitutes a comprehensive doctrine of duties and rights for individuals in an ideal society, signifying a corpus of duties essential for the sound organization of human societies (Chandran, 1993: 182).

## **6. Position of Women in the field of Rights**

Sanskrit literature comprehensively acknowledges the significance of women. In particular, a married woman is viewed as an integral and inseparable part of her husband. Consequently, she inherently holds the entitlement to enjoy all the rights that her husband possesses. The Ramayana, an epic in Sanskrit literature, emphasizes the elevated status of a wife by portraying her as the soul of her husband. When Rama, the protagonist, faced exile, the family preceptor Vashisth—a distinguished scholar and seer of his era—pronounced that in Rama's absence, Sita, the very soul of Rama, would undertake the responsibility of overseeing the kingdom (Valmiki, 1974: 377).

It is profoundly distressing that in the present day, there is widespread mistreatment of newly married brides over dowry issues, coupled with rampant cases of rape, molestation, and even violence against women. Such inhuman actions demand a resolute response. The significance of women within a family has been underscored in various verses of *Manu Smriti* (Manu, 2005: 96-98). According to these teachings, women should be honored and adorned by their father, brothers, and husband, all of whom desire their comprehensive well-being. The text emphasizes that sacred rites bear no rewards in the absence of respect for women. Conversely, all actions become futile in an environment where women are dishonored. A family thrives when women are well-behaved, and their mistreatment leads to ruin.

*Manu Smriti* emphasizes that women are looked after not out of inferiority or incapability but because they are treasured and contribute to the pride and power of society. The text compares women to crown jewels that should not be left unguarded, highlighting their role as transmitters of culture to their children. Capital punishment is recommended for the offense of rape, especially when committed against a woman arrested by a state officer (Jois, 2001: 175). *Skanda Purana* further advocates that even a Sannyasi, whom people universally pay obeisance to, should show reverence to the mother (Swami, 1995: 9).

While contemporary discourse emphasizes women's equal rights, the scriptures granted them special privileges long ago (Manu, 2005: 236). Unfortunately, those with a hedonistic mindset may fail to grasp the profound importance of women as mothers, reducing them to mere instruments for sensual pleasure. Women have historically played a pivotal role in the formation and existence of society, holding significant positions

during the Vedic age. They were regarded as masters of the house, eternal companions to their husbands, and were respected as daughters, wives, and mothers (Rana, 1995: 37-38).

The divine seers and sages praised women for their virtues and upright conduct, considering them essential participants in auspicious rituals. The Satapatha Brahmana (Anonymous, 1989) elevated women by emphasizing that, as mothers, they are the best and foremost preceptors of children, not merely objects of pleasure but partners in the religious life of man. The Padma Purana (Vyasa, 2003) equates mothers to embodiments of all sacred waters, while the Brihadaranyakopnishad (Anonymous, 1972) discusses rituals aimed at having scholarly daughters. Unlike contemporary perspectives, in the Vedic period, the birth of a girl child was not considered a curse but a cause for joy and delight.

In the Vedic tradition, girls, like sons, received education in Gurukul ashrams, and the Vedas bear witness to numerous learned women Rishis who comprehended and realized different Vedic Mantras. Yajurveda (Anonymous, 1980) explicitly states that Indian women held a prestigious position in society. According to Atharva Veda, women were regarded as the treasure house of happiness (Rana, 1995: 41). The Upanishads portray man and woman as equal halves of a divine unity, each complementing the other and incomplete without the other. The Brihadaranyaka Upanishad states, "He (the divine person) divided himself into two halves; thus was the origin of husband and wife. Therefore this (the body of man) is only like the one half of a split pea" (Murthy, 1995: 42). Hinduism's ancient culture views all female beings as forms of one divine mother, allowing them the privilege to attain the highest spirituality and true culture by transcending the limitations of sex. Maharshi Veda Vyasa paid glorious tributes to women, acknowledging that it is the mother who conceives and gives birth to mankind, making her superior even to the father (Verma, 1995: 190).

Unfortunately, the contemporary treatment of women stands in stark contrast to these ideals. The current perspective towards women has shifted and reversed, leading to a lack of love, affection, honor, and respect. Women are often treated poorly, facing disgrace, humiliation, abuse, physical assault, and, at times, forced to seek their fortune elsewhere. The frequency of atrocities against women has increased, encompassing various forms such as abuse, humiliation, physical and mental torture, banishment, divorce, assault, rape, murder, and sometimes compelling them to commit suicide out of frustration. Scriptures provide guidance on ethical conduct, emphasizing that one should not sit or dwell with another's wife in a solitary place and should avoid using harsh words or cruelty towards one's wife (Bose, 1978: 65). Numerous scriptures, including Mahabharata, SkandaPurana, VashisthaSmriti, and AtriSanhita, emphasize that women should not be abandoned under any circumstances (Dhawan, 2004: 172).

### **7. Right of Opportunity**

The Sanskrit scriptures emphasize the crucial right for the development of individuals' personalities, viewing it as essential. Accordingly, these scriptures call upon states and governments to empower all members of society to seize opportunities for their comprehensive development. The overarching principle is that nobody should be deprived of the chance to progress. Atharva Veda, for instance, includes a prayer from a Rishi requesting opportunities for the welfare of all human beings (Dwivedi, 2009: 50). This underscores the idea that providing opportunities to individuals is a fundamental aspect of promoting their well-being and personal growth.

### **8. Right to look after the rights given to different persons and authorities in the country**

In contemporary practice, it is evident that some individuals are misusing their rights, necessitating a check on such behavior. In the current democratic governance structure, it becomes crucial to grant the public constitutional rights to hold their elected representatives accountable if they misuse their powers or deceive the public. Unfettered rights should be curtailed to prevent abuse. Throughout the extensive history of cultural and spiritual existence, the concept that has been cherished is the welfare of all human beings. According to this concept, it is the duty of the king to seek and promote the welfare of its subjects (Vyasa, 2001: 12/31/2). A compassionate ruler must focus on the welfare of people from all sections of society. The ideal king possesses qualities such as intellect, renunciation, awareness of enemies' weaknesses, good looks, fairness to all subsections, decisiveness, soft behavior, industriousness, hard work, farsightedness, humility, and control over anger (Vyasa, 2001: 12/57/30-32). The primary functions of the king include protection, prosperity, upholding righteousness and dharma, and dispensing impartial justice. The king is expected to dedicate his life to the welfare of his subjects, and Mahabharat even suggests that the king should deploy secret and trusted agents to ascertain the views of his subjects about his conduct, actions, and reputation. The Mahabharat explicitly sanctions revolt against an oppressive or failing king, asserting that such a ruler is no king at all and should be dealt with like a mad dog (Basam, 1995: 88-89). A king incapable of protecting citizens should be rejected, and a king who commits injustice is bound to lose his kingdom (Anonymous, 2006: 17, 33).

The Kautilyan state, as described in Arthashastra, aims to ensure freedom, happiness, prosperity, and the full-fledged development of human personality. Arthashastra emphasizes the king's duty to surrender his individuality in the interest of his duties, emphasizing the need for rulers to act rightfully and justly. The king is warned against actions that may provoke popular fury, highlighting the importance of people's happiness. The state's duty is to provide the common good, symbolizing the total governmental actions. In ancient India, the king became an embodiment of the common good for his people, striving to achieve ends related to

promoting general human well-being, including peace, order, prosperity, justice, and human dignity. The king is bound to ensure the preservation of the common good. The Arthashastra states, "In the happiness of his subjects lies his happiness. Whatever pleases himself he shall not consider as good, but whatever makes his subjects happy shall be considered as good" (Sharma, 2005: 8-19). The Arthashastra prescribes the king's duty to regulate the conduct of the people, promulgate right, law, and duty, and coordinate laws across various orders and sections of society. An energetic king fosters energetic subjects, and vigilance is essential, as a reckless king easily falls into the hands of enemies. Thus, the king, along with ministers and other officials, is subjected to a rigorous disciplined life and an elaborate code of conduct, with the understanding that the root of wealth lies in disciplined living, and the opposite leads to evil.

### 9. Economic Rights

According to Vedic Tradition, the state and its administrators are tasked with ensuring the well-being of the people. The ruler is expected to be theistic, and through the administration, elaborate arrangements are made for the enhancement of national output and wealth. This involves developing agriculture, business, industries, trades, and various other welfare activities. The ruler regulates production, distribution, exchange, and state finance. While the king typically doesn't confiscate anyone's property, it is his duty to seize the enormous wealth amassed through wicked means like black-marketing, dacoity, kickbacks, smuggling, etc., and distribute it among honest individuals, thereby bringing about real good for all (Manu, 2005: 883-884).

The Ishavasyopanishad advises against coveting anybody's wealth, emphasizing contentment and discouraging an unhealthy desire for others' possessions (Goyandaka, 1972: 26). Vidurniti underscores that a person is contemptible if they do not ensure proper distribution of wealth among employees. Wealthy individuals are encouraged to give a significant portion of their wealth voluntarily in charity, not for their luxury but for aiding those in need (Dwivedi, 2005: 73). Kautilya, in his book 'Arthashastra,' outlines the rights and duties of kings and ministers to maximize the welfare of all people in the state (Sharma, 2005: 8-19).

Sanskrit literature also provides guidance on how wages should be paid and the behavior towards workers. Wages are recommended to be set at a level where the worker can maintain their compulsory charges, and sympathy is encouraged if a worker falls ill. After five years of service, a worker is entitled to three months of earned leave on full pay, and the maximum medical leave with full pay is six months (Gopal, 1978: 49-52). Vidurniti advises treating others' property as a piece of soil, warning against trying to capture others' wealth. The concept of giving alms is emphasized, and wealth acquired through foul means and suppressing others is deemed detrimental to long-term prosperity.

Arthashastra illustrates the fixing of salaries and allowances for government officials and the king, emphasizing that they should be reasonable. The king is portrayed as the servant of the people, receiving a fixed wage from the state, and allowances for the king's family members are also fixed and require council approval for any adjustments. In the interest of good governance, the king is advised to look after the bodily comforts of his servants, providing emoluments that inspire enthusiasm for work without violating principles of righteousness and wealth. The king is encouraged to not only maintain his servants but also increase their subsistence and wages based on their learning and work.

### 10. Right to Justice

Sanskrit textual sources emphasize the right of every individual to secure justice. In Atrishamhita, it is stated that the state has five fundamental duties, including punishing the guilty, protecting the god, collecting taxes at reasonable rates, rendering impartial justice to litigants, and protecting the nation. Impartial justice is highlighted as a fundamental human right, and guidelines are provided to ensure adherence to these ideals. Some of these guidelines include –

- i. Cases should be decided according to the law, uninfluenced by anger or greed.
- ii. Judges must avoid favoritism, greed, fear, enmity, and secret meetings with litigants to prevent any allegations of bias against a judge.
- iii. The king should not delay in examining witnesses and deciding cases. Delay in the examination of witnesses can lead to serious defeat, namely, a miscarriage of justice (Jois, 2001: 179-180).

The Vedic theory of human rights, deeply rooted in ancient Indian scriptures, offers a unique perspective that resonates with modern notions of dignity and well-being. Frits Staal, in his seminal work "Discovering the Vedas," delves into the Vedic texts, highlighting the significance of concepts such as "Dharma" and "Rita" as foundational principles shaping human conduct and societal harmony (Staal, 2008). The relevance and applicability of Vedic principles in the modern era are explored by scholars like David Frawley in "Vedic Yoga: The Path of the Rishi." Frawley contends that Vedic insights into human consciousness, ethical living, and the interconnectedness of all life remain pertinent for fostering a balanced and harmonious society in the contemporary world (Frawley, 2014). Comparing Vedic principles with contemporary human rights theories reveals intriguing parallels. In "Vedic Ethics and Human Rights: East Meets West," P. Bilimoria underscores the congruence between Vedic values and international human rights, particularly in their emphasis on justice, compassion, and the pursuit of truth (Bilimoria, 2007). However, the application of Vedic principles in the modern era is not without challenges. Scholars like Arvind Sharma, in "Human Rights and Human

Duties in Hinduism," acknowledge debates within the Hindu tradition about the compatibility of Vedic principles with contemporary human rights discourse, prompting discussions about adaptation and reinterpretation (Sharma, 2005). To navigate these challenges, a nuanced approach is advocated. In "Vedic Vision of Human Rights," V. Nagaraja contends that interpreting Vedic principles requires contextualization and dialogue, integrating ancient wisdom with the evolving needs of society to foster a dynamic and inclusive understanding of human rights (Nagaraja, 2012).

#### ***XV. ISLAMIC THEORY OF HUMAN RIGHTS***

The Islamic theory of human rights, deeply rooted in Islamic jurisprudence, presents a comprehensive framework that intertwines individual liberties with societal responsibilities. Abdullahi An-Na'im, in "Islam and the Secular State," posits that Islamic human rights are grounded in the Quranic concept of human dignity and social justice, emphasizing the interconnectedness of individual rights and collective obligations (An-Na'im, 2008). The Quran, as the primary source of Islamic law, is pivotal in shaping this theory. Khaled Abou El Fadl, in "The Search for Beauty in Islam," explores how the Quranic emphasis on justice, mercy, and compassion forms the basis for human rights in Islam, fostering a holistic view of human welfare (Abou El Fadl, 2006). Islamic human rights also find expression in the works of scholars like Tariq Ramadan. In "Radical Reform: Islamic Ethics and Liberation," Ramadan argues for a renewal of Islamic ethics that places human dignity at its core, advocating for a dynamic interpretation of Islamic teachings to address contemporary human rights challenges (Ramadan, 2009). However, the application of the Islamic theory of human rights is not without controversy. Scholars such as Abdullah Saeed, in "Islam and Human Rights," highlight debates within the Islamic world regarding the compatibility of traditional Islamic legal frameworks with modern human rights standards (Saeed, 1999). To navigate these challenges, scholars propose a contextual and nuanced understanding. Wael Hallaq, in "The Impossible State," suggests that the integration of Islamic legal principles with modern governance structures is crucial for reconciling Islamic ideals with the practicalities of the contemporary world (Hallaq, 2013).

#### ***XVI. CONCLUSION***

Human rights theories form a labyrinthine tapestry woven through centuries of philosophical inquiry, legal evolution, and cultural perspectives. Among the diverse array of theories, natural law theories and Vedic perspectives stand as pillars, contributing unique insights to contemporary human rights discourse. Examining these theories, along with others, offers a comprehensive understanding of the philosophical foundations that underpin modern human rights frameworks.

Natural law theories, rooted in the belief in an inherent moral order, posit that certain rights are universally applicable to all humans by virtue of their humanity. This theory, championed by thinkers like Thomas Aquinas, emphasizes the existence of objective moral principles that transcend cultural and legal variations. The implication for contemporary discourse lies in the universality and inalienability of human rights. Critics argue that the challenge lies in defining a common set of natural law principles that can be universally accepted, given the diverse cultural and ethical landscapes. On the other hand, Vedic theories, derived from ancient Indian philosophical traditions, contribute a unique perspective to the discourse. Central to Vedic thought is the concept of Dharma, which encompasses duty, righteousness, and moral order. The interconnectedness of individuals, society, and the cosmos is emphasized, suggesting that human rights are embedded in a broader cosmic order. The contemporary relevance of Vedic theories lies in their ability to provide a holistic framework that integrates individual rights with societal responsibilities, promoting harmony and balance. While natural law and Vedic theories offer valuable insights, other theories further enrich the labyrinth of human rights discourse. Utilitarian theories, championed by figures like Jeremy Bentham, focus on the maximization of overall happiness or pleasure as the ultimate moral goal. The challenge here lies in balancing individual rights with the greater good, raising questions about the ethical implications of sacrificing the rights of a few for the happiness of many.

Conversely, the capabilities approach, developed by Martha Nussbaum and Amartya Sen, proposes a broader perspective that goes beyond traditional notions of rights. It emphasizes the importance of providing individuals with the capabilities to lead a dignified life, acknowledging the interconnectedness of economic, social, and cultural factors. This theory broadens the scope of human rights beyond the traditional focus on civil and political rights, highlighting the need for a multidimensional approach in contemporary human rights discourse. The feminist perspective challenges existing theories by exposing and rectifying gender biases inherent in many human rights frameworks. Intersectionality, a key concept in feminist thought, recognizes the interconnectedness of various forms of oppression based on factors such as gender, race, and class. In contemporary human rights discourse, the feminist critique prompts a re-evaluation of existing frameworks to ensure inclusivity and address the specific challenges faced by marginalized groups.

In considering the relevance of these theories today, it is evident that the complex interplay of cultural, social, and political factors requires a nuanced and adaptable approach to human rights. The challenge lies in developing a framework that respects cultural diversity while upholding fundamental principles. Theories



such as cosmopolitanism attempt to bridge this gap by advocating for a global community that transcends national boundaries. However, the tension between cultural relativism and universalism persists, demanding ongoing dialogue and negotiation. The implications of these theories extend beyond philosophical discourse to the realm of legal and policy frameworks. International human rights instruments, such as the Universal Declaration of Human Rights, embody a convergence of various theories. However, challenges arise in translating these principles into effective policies that can address the complex realities of the contemporary world. Striking a balance between upholding individual rights and accommodating cultural diversity remains an ongoing challenge for policymakers and advocates.

Proposing avenues for further research in the expansive terrain of human rights scholarship involves addressing these challenges and exploring innovative approaches. Comparative studies that analyze the implementation of human rights across different cultural contexts can provide valuable insights into the effectiveness of diverse approaches. Additionally, interdisciplinary research that combines philosophy, law, sociology, and anthropology can deepen our understanding of the complex factors influencing the realization of human rights. Exploring the intersectionality of human rights with other global challenges, such as climate change, migration, and technological advancements, is another promising avenue. Understanding how human rights frameworks can adapt to evolving contexts is crucial for ensuring their continued relevance in a rapidly changing world. Moreover, research that engages with local communities and incorporates their perspectives can contribute to the development of more inclusive and culturally sensitive human rights policies.

The labyrinth of human rights theories offers a rich tapestry of perspectives that contribute to the ongoing discourse on the universality, adaptability, and implementation of human rights. Natural law theories and Vedic perspectives provide foundational principles, while utilitarianism, the capabilities approach, and feminist perspectives offer nuanced considerations. The relevance of these theories today is evident in the ongoing challenges of balancing universality with cultural diversity, addressing gender biases, and adapting to complex global realities. As we navigate this intricate terrain, the need for further research becomes apparent. Comparative studies, interdisciplinary approaches, and engagement with local communities offer avenues to deepen our understanding and refine human rights frameworks. In the pursuit of a more just and inclusive world, the exploration of these theories and the development of innovative approaches will continue to shape the trajectory of human rights scholarship and advocacy.

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