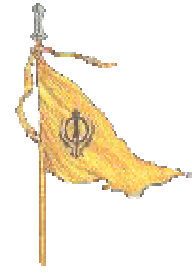




ਦੇਗ ਤੇਗ ਫ਼ਤਹਿ



CHAPTER V

HUMAN RIGHTS

A right is "just and fair claim to anything whatever; power privilege etc. belongs to a person by law, nature or tradition; also that to which one has a just [claim](#)."¹ And Human means pertaining to mankind.

In the pre-historic times, the eldest male member had absolute rights over his family. The individuals living under him had to surrender their individuality in return for the security. The head of the family was called Patriarch. According to Homer, "It was his authority to give law to his children and to his [wives](#)."² He ruled over his wives and children. There was no question of any rights to individuals. With the passage of time, slavery system started. Mighty persons started keeping other persons, who were mentally or physically weaker as slaves. If there was one institution, which was really common to all people of antiquity, it was [slavery](#)."³

When State came into existence, the head of the state or the king became the master of his subjects. Sources of income and power were in the hands of the kings and the vast majority of people were tenants who had no rights. Where the kings became weak, power went into the hands of a few feudals. The condition of common man further deteriorated.

But man due to his innate nature longed for freedom and equality. Many spiritual leaders and philosophers made people conscious about their rights from time to time. Many of them struggled for these and thus had to face the consequences of their offence. These thoughtful men all over the world spoke of 'rights', which men had in common and which were inherent rights in the sense they were based on man's rational and social nature. These rights they said were the natural rights. Natural rights, these

were, because they could not be taken away by any man whosoever he may be since they were the rules of life created by Nature itself. We have to deal with these rights in various perspectives.

The Eastern Perspective

Credit of first talking of 'man as the measures of all things' goes to Protagoras, a Sophist thinker, while that of the 'equality of all men' to Hippias. Socrates discarded the examined life as not worth living.

Plato took justice as a right. It is the state who has to provide the citizens with justice. The justice is the bond, which holds a society together. For him the justice is that each of individuals has found his life work in accordance with his natural fitness and his training— the *Republic*. So it is the right of every individual. More than it he gives importance to education. In his opinion law does not and cannot give everybody his due. Law has no meaning other than to give the least bungling rule that will fit an average case; but a Philosopher's (a philosopher king who is properly educated) wisdom gives to everybody what he deserves.

Aristotle defended holding of private property a natural right. According to him the state must protect the natural rights of man. In the *Ethics* he tells that complete justice is such as exists among people who are associated in common life with a view to self-sufficiency and enjoy freedom and equality—v. 10.

Stoics like Zeno, Cicero, Seneca were of the view that, according to the law of nature, all human beings are equal despite the difference in languages, nationalities and races. All can lead universally one kind of life *i.e.*, a life according to Reason. The civil laws of various states cannot separate them rather they should conform themselves to the Law of Nature. The Stoics, therefore, drew the conclusion that men should stop living as citizens of various states, under different conceptions of justice and law. Rather they should live as citizens of one world under one Law of Nature. It is for this reason that the stoics propounded their concepts of universal brotherhood and cosmopolitanism. As members of one great family all men are brothers and equals and have equal rights.

The stoics left an indelible impression on the Roman philosophers. Cicero talked of equality and cosmopolitanism of men. Seneca stressed the right of man and said that

slave or freeman all must be treated equally.

Saint Augustine introduced the subject very early in the *City of God*. The central theme is whether there can be a *populus* without justice. In Cicero's dialogue *De Republica* it is written—"a people is a multitude of men or an assembly associated together by a common acknowledgement of right (*juris*) and by a community of interests." Augustine then proceeds to interpret this Ciceronian statement. '*Juris*' derived from '*jus*', means '*justitia*'—"righteousness" or "justice." And he is at pains to show that he believes Cicero meant '*vera justitia*'—true righteousness or justice. If legal right must be based on '*justitia*' and '*justitia*' is, in fact, '*vera justitia*', then one vital aspect of '*vera justitia*' is surely the recognition which man must accord to the one true God. Is he who keeps back a piece of ground from the purchaser, and gives it to a man who has no right to it, unjust, while he who keeps back himself from God who made him, and serves wicked spirits, is [just?](#)"⁴ For Augustine where rights and justice are taken away, the kingdoms are great robberies.

Hobbes' concept of liberty is essentially negative. Maxey observes, "Every member according to his reasoning, retained his freedom of will, in so far that he might follow his own inclinations if he chose, but all had agreed to submerge their wills in that of the sovereign and to sanction every act of the sovereign as their own...and when in pursuit of his own inclinations he came into conflict with the will of the sovereign, the latter must of right [prevail.](#)"⁵

John Locke was one of the greatest individualistic thinkers. He preached that the earth and all the institutions thereof were made for the individual and not the individual for them. Hobbes was also an individualist but he (Locke) was also authoritarian and an absolutist, who would compromise his individualism for the sake of discipline or order in the state even. The only precious thing for him was the life of the individuals for which he would allow his individuals the right even to resist the state. In the words of Vaughan, "Locke lays the state at the mercy of the individual by enabling any minority, however small, to challenge the moral justification of any law of the state from the very beginning and lays a perpetual ferment for rebellion against the state on the part of any and every [individual.](#)"⁶

Slowly, situation started changing materially which inundated the world with new ideas in all spheres of human life. In England authoritarian activities of the King Henry

II were resented. The king was forced to sign Magna Carta in 1215 AD, said to be the first milestone on the roads to liberties of the people of England. With this no freeman could be captured or imprisoned or outlawed or exiled or in any way destroyed except by the lawful judgement of his peers only. The right of justice was not to be denied to anyone. Magna Carta set a new trend. Then came the Petition of Rights in 1628.

As and when any political philosopher propounded any theory on human rights, the change started. With Hobbes and Locke's efforts came the Bill of Rights in 1689. King James II fled and William and Mary signed that Bill which gave many rights to the Parliament, a house chosen by the people. With Rousseau came the French Revolution and the French Declaration of the Rights of Man came in 1789. In 1793 more rights such as right to resist oppression, freedom of the press and other civil and political rights were added.

The Indian Perspective

Ancient Indian political thinkers approached the problem from quite a different perspective. They usually described not the rights of the citizens, but the duties of the state; the formers are to be inferred from the latter. We are quite in the dark about the details of the political life in the Vedic period. At that time popular assemblies (*samities*) existed and controlled the king's activity. It is quite possible that not all the inhabitants had the right to become the members of the *samiti*; only it may have constituted a privileged class corresponding to the aristocratic order. Equality of all citizens before the law did not exist in ancient India, with Brahmins being the privileged class.

The *Mahabharata* (Santi Parva 58:12-14) and the *Digghanikaya* (Vol. III, pp. 84-96) tell that there prevailed a golden age of harmony and happiness when people led happy and peaceful life, though no government existed (in ancient India) to see that the laws of nature were respected and followed.

Later, in the times of Mauryan rule, Magasthenese leaves no doubt that peace, prosperity and contentment prevailed throughout the empire. Ashoka worked for the elevation of his subjects and for recognition of the sanctity of life. His policy of non-violence led him to enforce law for the sanctity and security of all living creatures. In

short people enjoyed many rights in the Hindu empire.

With the advent of the Muslim rule, in the Delhi Sultanate period, the life of Hindus became miserable who did not get many rights especially the right to freedom of practising religion. A tax on their religion called *Jazia* was imposed. The view of the then ruling class is so depicted: "If the revenue collector spits into a Hindu's mouth, the Hindu must open his mouth to receive it without [hesitation](#)."⁷ The religious and cultural and even social rights of the Hindus were taken away. They were made to lead the lives of slaves. Many a time there were massacres of Hindus. The invasions of Changiz Khan and Timur made the condition of the Hindus more critical. Many of the Hindus were forcibly converted to Islam.

Guru Nanak condemned the atrocities of the rulers of the Delhi Sultanate and later those of the Mughals. He asked them to provide the subjects with certain fundamental rights, which any human being must get. Some such rights can be taken out from the Sikh literature and history. These are described as under:

(1) Right to Freedom of Religion

This was the right, which was most forcefully advocated by Sikhism. It was for the sake of this right that the ninth Guru, Tegh Bahadur, laid down his life in 1675 in Delhi. Some Brahmins from Kashmir approached him to save them from forcible conversion to Islam by the then ruler. The Guru himself was not a believer of the faith of those Brahmins but he stood for the right to freedom of practising any religion and laid down his life for the cause. The tenth Guru writes about this martyrdom in his composition called *Bachitra Natak*:

It was for sake of the sacred thread and the frontal-mark (of the Hindus),
That he performed a great act of chivalry.
He suffered martyrdom for the sake of Religion.
His head he gave but not his determination.

5:13

In Sikhism the main objective of man is to attain oneness with God, God created the world for this very purpose only *i.e.*, to create the personality of a complete man or saint. For the achievement of this objective the right to freedom of religion is very important. The choice should be of the man himself. The third Guru prays to God:

Through whichever Door it (world) comes unto Thee
Save it that wise, pray.

A.G., p. 853

Guru Nanak condemned the rulers of his times who took away this right of the people. The Hindus, who happened to be the 'ruled' class, became targets of the rulers. He severely criticised the policy of levying tax on the temples and the religious rites of the Hindus. While criticising such tax he says:

And the (Hindu) gods and temples have been taxed,
such is the current way!

A.G. p. 1191

Bhai Gurdas, the Sikh theologian and also contemporary of the *fifth* Guru condemns the destruction of places of worship of the ruled class. He condemns in his first *Var* the destruction of Hindu temples by the Muslim Rulers— 1:20.

In the western school of thought many thinkers advocated the right to the freedom of religion.

Though Plato was a great supporter of justice in his ideal state but in older age he held the view about the religion in his book *The Laws* that in sub-ideal state religion is subject to the regulation and supervision of the state as Education is. However Plato forbids the private religious exercises. The Christians emphasised that spiritual side of man was beyond the scope of the state. Even today Pope is not subject to any state or government. For Saint Augustine, the individuals need the security and order, which it (state) provides in order to be free from disturbances and molestation in the performance of their religious duties. Machiavelli advised his fictional Prince to respect the religion followed by his subjects. "The Machiavellian State is to begin with, in the complete sense, an entirely secular [thing](#)."⁸

Jean Bodin propounded religious toleration as a matter of policy because during his time (1530-1596) an acute civil war was going on in France. He believed that the state should allow all types of religious sects to flourish in the territory of the state and must not impose any religion of its own on the [population](#).⁹

Thomas Hobbes was of the view that the individual must have full liberty in the

sphere of faith. "Leviathan, cannot oblige men to believe... thought is free", Wayper tells, "Hobbes is an opponent of all authority in philosophy, belief, **opinion**."¹⁰

H.J. Laski, a British thinker, referred to the three aspects of liberty and those were private, political and economic. Private liberty means the opportunity to exercise freedom of choice in those areas of life where the results of my effort mainly affect me. Such a thing is religion and the state should not interfere in it. Laski tells about the ideas of Locke, another political thinker, that he (Locke) was consistent in his outlook with his general political theory. In his great Letter on Toleration Locke proceeds by a denial that any element of theocratic government can claim political validity. He makes of the Church an institution radically different from the ruling conception of his times. It becomes merely voluntary, which may exert no power over its members. It may use its own ceremonies: but it cannot impose them on the **unwilling**.¹¹

After the Second World War this right was included in the Universal Declaration of Human Rights of the United Nations Organisation in 1948. Article 18 of this Declaration reads "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance." Now this right has been included in the constitutions of many countries. In Indian constitution also this right is granted under articles 25-28.

(2) Cultural Rights

The Gurus were of the opinion that man should be free to follow the culture of his choice and to speak the language he likes. There should not be any interference by the State. Guru Nanak forcefully condemned the rulers of his time for imposing their culture and language on the public. The Hindu culture and their Sanskrit language were looked down upon. He even condemned the Hindus for changing their culture and language under the influence of the ruling Muslim class. Even the gods were changed. To quote Guru Nanak:

Now that the turn of the Shaikhs (Muslim divines) has come, the Primal Lord is called Allah
 And the (Hindu) gods and temples have been taxed: such is the current way!
 The ablution pot, the prayer, the prayer mat, the call to prayer, have all assumed the Muslim garb: even God is now robed in blue (like the Mughals did).
 And men have changed their tongue and the Muslim way
 of greetings prevails. A.G., p. 1191

In *Asa ki Var* also Guru Nanak condemns the change of culture by the Hindus. He says:

Who (Hindu) Decked Himself in (the Muslim dress) blue and assumed the attributes of a Turk and a Pathan.
 They seek approval of the Muslim rulers by wearing blue. A.G., pp. 470-2

In modern times cultural rights have been granted by U.N.O. in articles 2, 16 and 22 of the '[Universal Declaration of Human Rights](#)'¹² which were declared on Dec. 10, 1948.

In the Conference of Religion and Peace held in Kyoto (Japan) in October, 1970, it was declared— "Members of this Conference urge religions to use all their moral weight in bringing about an end to cultural discrimination which deprives the common patrimony of humanity of the cultural riches acquired so slowly and so [laboriously](#)."¹³

Article 29 of the Indian Constitution guarantees cultural rights to all citizens. The article reads—'Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script, or culture of its own shall have the rights to conserve the same.'

(3) Right to Basic Necessities

In ancient India the rights of people were taken as the duties of the ruler. The state was to promote *Dharma, Artha, Kama, and Moksha*. In the sphere of *Artha* came this right of the people to have employment and the things of the basic need. The state, however, was to secure not only the moral but also the material well being of its citizens. The kingdom of king Parikshit, idealised in the *Atharvaveda* (xx. 127),

flowed with milk and honey. All round welfare of the public was clearly regarded as the chief aim of the state during the Vedic and Upanisadic ages, *i.e.* down to c. 500 BC.

In Sikhism it is the right of the human being to get the things of basic need. God gives the means of subsistence to His creatures as the *fifth* Guru says:

In every home rings the Praise of this King in every home are men zealous of Him,
He first Provides succour and thereafter createth the creatures. A.G., p. 1235

Kabir, while addressing God, says that the things of basic needs are his rights. If the latter will not give it, the former will ask for it. He demands almost all the things of basic need. He says:

O God, I can worship Thee not on a hungry stomach:
Here I give back my rosary to Thee...
O Lord, how can I pull on with Thee?
But, if thou Givest not Thyself, I'll make a demand on Thee.
I seek no more than two seers of wheat flour,
With a quarter seer of ghee and a pinch of salt.
And half a seer of lentils too,
That I can eat my fill two times a day.
I seek a couch too, supported by four legs,
And a bedding also, along with a pillow.
And, shall I ask not for a quilt too to cover my body,
So that attuned to Thee I worship no one but Thee?
No, no, I've showed no covetousness. A.G., p. 656

Dhanna, in the *Adi Granth*, has also demanded for certain basic things of daily needs as a matter of right, he says:

I beg of Thee to Bless me with flour, lentils and ghee.
That my heart keeps ever pleased with Thee.
And I beg to thee for silken wear and also footwear,
And the foodgrains too, grown by tilling the land seven times over.

And, hark, I ask also for a milch cow and a buffalo too,
And a fine Arabian horse for me to ride (through Thy wondrous earth)
And I ask for a dutiful wife to look after my household:
These are the needs of me which I seek from Thee, O my
Beneficent God.

A.G., p. 695

The fifth Guru puts a condition on this right i.e., remembering the Name of God. He says that if one remembers His Name then one has every right to get the things of daily needs, even to some extent the things of enjoyment. He says:

(Remember the Lord) Whose are all the gifts, which we receive.

Thirty-six kinds of delicious diets to eat, comfortable couches, cool wind, peaceful revelries and enjoyment of sweet pleasure.

A.G., p. 100

In Sikhism it is the duty of every person to allow this right to all fellow men. Even if someone is unable to do any work or has not got any employment, it is the duty of the others to look after him. It was for this purpose that the system of *Daswand* (to donate one-tenth of the total income) was started. It was only to give the due right to the needy person. Guru Nanak gave the idea of earning one's livelihood through rightful means and to give some part of it as donation or charity.

He alone, O Nanak, Knows the Way,
Who earns with the sweat of his brow and
then shares it with the other (the needy).

A.G., p. 1245

Ravidas depicts an ideal state where this right of the citizens is well protected and all get what they need:

There abide only the rich and the satiated.

A.G., p. 345

In the [UN Declaration of Human Rights](#)¹⁴ in 1948, the right to employment and the things of basic need have been included therein under articles 23 and 25.

(4) *Right to Justice*

In ancient India it was one of the fundamental aims of the state to promote *dharmā*¹⁵ or justice. In Vedic literature peace, order, security and justice were regarded as fundamental aims of the state. The king or the head of the state was to be like god Varuna, the upholder of the law and order (*dhritavarata*); he was to punish the wicked and help the virtuous— Chhandgya Upanisad, V. 11.5.

In the western world many political philosophers and thinkers have given their theories on this right from time to time. Plato (427 BC) was quite vocal in giving this right to the citizens. Social justice may be defined as the principles of a society, consisting of different types of men-- who have combined under the impulse of their needs for one another, and by their combination in one society, and their concentration of their separate functions, have made a whole which is perfect because it is the product and the image of the whole of the human mind—the *Republic*.

St. Thomas Aquinas (1227-74) following Aristotle defined justice as the fixed and perpetual will to give everyone his own right. Carlyle says that in his words law in all its forms is the expression of reason, but it is also the expression of *justice*.¹⁶

For John Locke (1632) justice was to give every individual the rights of preservation of life, health, liberty, possession, equality and the right to enforce law of nature to safeguard his rights as well as the rights of his neighbour.

According to Sikh thought it is the right of the people to get justice. Guru Nanak indicates it, when he criticises the *Kazi*, who sits as the judge and takes away the right to get justice and sells it to someone who greases his palm. He says:

Kazi sits as a judge, He tells rosary and mutters God's Name.

Taking bribe he usurps the right to justice (and does injustice).

If anyone asks for it, he misquotes and reads out some aphorism. A.G., p. 951

It is the state, which is to ensure that justice is done to all in the dominion. God Himself is Just. He never does injustice. The culprit can escape the human judge but he can't escape from the Court of God. It is His nature to do full justice to everyone.

The fourth Guru says:

One can run away from man's court;
but where is one to go if one runs away from the Lord? A.G., p. 591

The government of this world is only the image of the Government of God, which He has created to give justice to the people. Guru Nanak tells:

Thou hast created the Throne to Adjudicate truly. A.G., p. 580

So God, being Himself truly Just, has given the right to justice to all human beings.

(5) Right Against Racial Discrimination

Since the *Vedic* period the Hindu society has been divided into four *castes*—*Brahmin*, *Ksatriya*, *Vaisya* and *Sudra*. The English word 'Caste' is derived from the Portuguese and the Spanish word 'casta' which means [race](#).¹⁷ It has been used since the middle of the 15th century to denote different classes into which Hindus are divided. *Varna* or colour and *Jati* or race, are the two commonest words in Indian languages, which are interchangeably used to denote 'caste'.

When they divided the *Purusa*, into how many parts did they arrange him? What was his mouth? What were his two arms? What were his thighs and feet called? The *Brahmin* was his mouth, his two arms were made in *rajanya* (warrior), his two thighs the *Vaisya* (trader and agriculturist), from his feet the *Sudra* (servile class) was born—Rg Veda 10:90:11,12.

According to *Chhandogya Upanisad* even man's present caste is pre-determined. For it man's destiny is determined by his *Karma*: Those whose conduct here has been good, will quickly attain a good birth (literally womb), the birth of a *Brahmin*, the birth of a *Ksatriya* or the birth of a *Vaisya*. But those, whose conduct here has been evil, will quickly attain an evil birth, the birth of a dog, the birth of a hog or the birth of a *Candala*—V. 10.8. Here *Candala* is used for the outcaste or *Sudra*. So it means that a person has some caste from the birth itself. The Laws of Manu hold the divine origin of the caste: "But in order to protect this universe He, the most resplendent one,

assigned separate (duties and) occupations to those who sprang from his mouth, arms, thighs and feet. To *Brahmins* he assigned teaching and studying (the *Veda*), sacrificing for their own benefit and for others, giving and accepting of (of alms). The *Ksatriya* be commanded to protect the people, to bestow gifts, to offer sacrifices, to study (the *Vedas*), and to abstain from attaching himself to sensual pleasures; the *Vaisya* to tend cattle, to bestow gifts, to offer sacrifices, to study (the *Veda*), to trade, to lend money and to cultivate land. One occupation only the Lord prescribed to the *Sudra*, to serve meekly even these (other) three castes—1:87-91. Manu gives the duty of teaching the *Vedas* to *Brahmins* alone —X.1. For him *Brahmin* is the lord of all castes—X.3. Whatever exists in the world is the property of the *Brahmin*—1.99.

The *Bhagavad Gita* also supports the divine origin of the caste system: The four castes were emanated by me, by different distribution of qualities and action; know Me to be the author of them, though the actionless and inexhaustible— 4:13.

Sikhism outrightly rejects the caste system. All human beings are equal. God creates all. None is good or bad by birth. It is the actions, which make a man good or bad. Nor there is any watertight compartmentalization of the work in different castes. Anybody can do any job of his/her choice. Condemning the traditional caste system Guru Nanak says:

Preposterous is caste and the name (glory)
as source of every creature is One.

A.G., p. 83

Guru Nanak talks about the futility of the castes because, as he says, our aim is to get intune with God and in His Court there is no caste:

Recognise Lord's light within all and inquire not the caste
for there is no caste in His world.

A.G., p. 349

Again:

Ask not the caste of anyone; Ask in whose heart God has come to dwell.
Caste is known, There, by the deeds done by one.

A.G., p. 1330

For Guru Nanak, a low caste is one who has forgotten the Name of God—A.G., p. 10.

Kabir makes a scathing attack on the caste system. He criticises those *Brahmins* who assume that they alone can attain Godliness alone. He tells them that none becomes highcaste by birth. Only that person is a true Brahmin who attains Godliness. He bitterly criticises the superiority complex of the so-called *Brahmins*. To quote him:

In the womb dwelling, the mortal has no lineage and caste.
 From the seed of the Lord, all have sprung.
 Say, O Pandit, since when has thou been a Brahman?
 Waste not thy life by repeatedly calling thyself Brahman.
 If thou art a Brahman, born of a Brahmin mother,
 then why hast thou not come by some other way?
 How art thou a Brahman and how am I a low caste?
 How am I made of blood and how thou of milk?
 Say Kabir, only he who contemplates over the Lord
 is said to be a Brahman among us.

A.G., p. 324

The third Guru, Amardas, says that it is not the right of 'born *Brahmin*' only to realise God. Anybody can realise Him by meditating on His Name and become a true *Brahmin*.

He who knows Brahman (God) is known as a Brahmin yea,
 he who is ever attuned to the Lord.
 And, instructed by the True Guru, he practises Truth
 and Self-discipline and is rid of the Affliction of Ego.
 He Sings the Lord's Praise, Gathers the Lord's Praise and
 Merges in God' Light.

A.G., p. 512

A person who is brave for doing good actions is a true *Ksatriya* in the eyes of Guru Nanak:

He alone is a Khatri, who is a Hero in Deed,
 And dedicates his body by compassion and Charity,

And knowing the right Farm, Sows the Seed of Beneficence,
Thus such a Khatri is Approved of at the Lord's Court. A.G., p. 1411

The tenth Guru gives a call to people all over the world to take them as one caste. For him all are equal, difference is only of dress or environment. The Source of all human beings is one and that is God. All have emanated from Him like different sparks from the same fire; like several particles from the same dust, like millions of waves from the same water and they all will go back to the Source from where they have emanated. Guru Gobind Singh thus gives a spirit of internationalism. To quote him:

One man by shaving his head is accepted as a *sanyasi*
another as a *Jogi* or a *Brahmachari*, a third as a *Jati*,
Some men are Hindus and other Musalmans;
among the latter are Rafazis, Imams, Shafais;
know that all men are of the same caste
All men have the same eyes, the same ears, the same body, the same build, and a
compound of earth, air, fire and water. Akali Ustati, 15/85,16/87

From the above study it can be concluded that in Sikhism high caste is a person who meditates of God's Name. It is the right of all human beings. Anyone can meditate on His Name. So any discrimination on the basis of castes by birth is strictly prohibited.

Today this right is recognised by UN Charter of Declaration of Rights in the [article 2 of it](#).¹⁸

(6) Right to Proper Education

In ancient India the right to get education was given only to upper three castes—the *Brahmin*, the *Ksatriya* and the *Vaisya*. The *Sudras*, who were placed at the lowest ebb, had no right to get education. Of the three classes only the *Brahmin* had the right to teach. The *Ksatriya* and the *Vaisya* could get education but could not impart it. According to the laws of Manu: Let the three twice born castes (*varna*), discharging

their (prescribed) duties, study (the *Veda*); but among them the *Brahmin* (alone) shall teach it, not the other two; there is an established rule—X. 1.

Regarding the aims and ideals of the state *Chhandogya Upanisad* tells us that “Religion was to be promoted, morality was to be encouraged and education was to be patronised.”--V.11.5.

In Sikhism all people have right to get education. Guru Nanak laid great stress on the need of education amongst the subjects of his time. The Guru believed that it was because of lack of education that people tolerated the oppressive ways of their ruler. Guru Nanak thus describes the situation in ‘*Asa ki Var*’:

The subjects are blind and without wisdom (or knowledge),
they satisfy the officials' fire of greed and bribe (carrion). A.G., p. 469

The Guru was of the view that had the people got proper education they won't have followed their corrupt masters. The Sikh Gurus were of the opinion that one should get enough education so as to develop the faculty of mind (A.G., p. 340). However they did not make any distinction on the basis of caste, colour, creed or sex etc., in the field of education.

In his *Varan* Bhai Gurdas mentions about the lack of education amongst the people at the time of Guru Nanak's birth. He says that the subjects were blind because of lack of knowledge and following the falsehood—I . 30.

The tenth Guru attached great importance to education and learning. He himself got education in various fields, which he indicates in his autobiography, called *Bachitra Natak*. He patronised scholars. He maintained many scholars in his court. This was to set an example for his Sikhs not to remain illiterate but to get proper education.

In the western school of thought Plato laid great stress on the need of education. Plato suggested spiritual method of education to attain justice. To make the society harmonious and to bring about unity in the State, proper education is essential. Education reforms the wrong ways of living by altering the whole outlook on life. It is 'an attempt to cure a mental malady by mental medicine—the *Republic*. Rousseau perhaps hit the right mark when he said that 'Republic' (of Plato) is hardly a political work at all, but is the finest treatise on education that ever was written.

Like Plato, Aristotle also regards the State mainly as an educational institution. Intellectual virtue can be taught and indeed owes both its 'birth' and its 'growth', according to Aristotle (Ethics—II.1). For him the constitution maker and ruler must determine the means.

In the opinion of H.J. Laski (1893-1950), every citizen has the right to education. According to him a citizen "must be trained to make judgements. He must learn to weigh evidence. He must learn to choose between the alternatives, between which he is called to decide. He must be made to feel that this is a world in which, he can, by the use of his mind and will, shape at once outline and substance."¹⁹

The Universal Declaration of Human Rights of UNO granted the right to education to the individual in [article 26 of it](#).²⁰ Constitution of India also provides this right under articles 29 and 30 of it.

(7) Equal Rights for Women

In early *Vedic* period, position of women in Indian society, was good. Though there were stray incidents of unwelcoming the female child but the sacred literature was against it. It was not a general practice. Some thinkers have even pointed out that a talented and well-behaved daughter may be better than a son (*Sam. Nik: III.2, 6*). In cultured circles such a daughter was regarded as the pride of the family—Kumarasambhava VI, 63. Women were given proper education to make them properly trained so that they could be successful in their married life. The *Atharvaveda* observes that a maiden can succeed in her marriage only if she has been properly trained during the period of studentship (*brahmacharya*)—XI. 5.18.

In pre-historic times lady poets themselves were composing hymns, some of which were destined to be included even in the *Vedic Samhitas*. According to the orthodox tradition as recorded in the *Sarvanukramanika*, "there are as many as twenty women among the seer or authors of the *Rgveda*. Some of these may have been mythical personages; but internal evidence shows that Lopamudra, Visvavara, Sikata Nivavari and Ghosha, the authors of the *Rgveda* I: 179, V: 28, VIII: 91, IX: 81: 11-20, and X: 39 and 40 respectively, were women in flesh and blood, who once lived in Hindu society.

Women freely participated in religious rites and practices. For instance, in more than one place in the *Ramayana* Sita is described as offering her daily *Vedic* prayers—

V.15, 48. In some cases man's offerings were not acceptable without the presence of his wife (Aitareya Brahmana 1.2.5). The *Satapatha Brahmana* holds that 'gods do not accept the oblations offered by a bachelor'—V.1, 6,10.

Even widow remarriage used to take place in the early *Vedic* India. The *Atharvaveda* refers to a woman marrying second time. It lays down a ritual to secure the union of the new couple in heaven—I X, 5, 27-8. Custom of *Sati* was also not in vogue.

But afterwards the position of women started deteriorating. Slowly and slowly they were reduced to a low caste or equivalent to *Sudra*. Woman started being treated as property, which needs protection and it was considered as one of the duties of the king. In the *Markandeya Purana*, "a prince boasts that he never coveted other men's wives or wealth or anything belonging to them—13:13. According to the *Agni Purana*, woman and animal can be kept as pledge, and interest on them is the seventieth part of their original value— 253. 63-64. Very probably this is monthly interest.

Women started being treated at par with *Sudras*. The *Agni Purana*, a work of about eleventh century AD, holds that "one who commits the murder of a woman shall be required to perform the same kind of penance as is prescribed for the murder of a *Sudra*—173.13.

According to Manu's Laws man should not eat the leavings of a woman or a *Sudra* who are forbidden flesh. In case anyone did not follow the rule he was required to eat barley for seven days as a punishment—XI .153. According to him the woman and slave have no right to property. A wife, a son, and a slave, these three are declared to have no property; the wealth, which they earn, is (acquired) for him to whom they belong—VII I .416. This trend was also prevalent in Rome at that time. According to it (Roman law) the children, the wife, and the slaves of a Roman head of a house (*paterfamilias*) were equally subject to his unrestricted power (*vitae necisque potestas*) and equally outside the jurisdiction of the [state](#).²¹

For Manu a woman is never independent. Her Father protects (her) in childhood, her husband protects her in youth, and her sons protect (her) in old age; a woman is never fit for independence (Laws of Manu—I X.3).

In practising religion also she had got no rights. Even in later *Vedic* period the

Satapatha Brahamana warns that while teaching *pravarjya* the teacher should not look at the woman, the *sudra*, the dog and the blackbird, because they are untruth XIV. 1.1.31. Manu also prescribes like this—XI .224. In Gupta and post-Gupta times women and *sudras* were conceded at least the right to acquire the knowledge of the *Puranas*. But even in subsequent times it was not permissible to study the *Veda* near the women and *Sudra*.

The evil of *Sati* was in vogue. The widows were burnt alive along with the pyre of their husbands, even against their wishes. Only course which religion had prescribed for a widow was that of *Sati*. Another evil was *Purdah* system, which was very popular especially amongst Muslims.

In Sikh society women are given high status. The founder Guru, Nanak Dev was vociferous for equal rights to women. He vehemently condemned the low status given to them. He said that it is the woman who gives birth to man, it is she who makes the kings and other great men. Without her man is incomplete. Therefore we must not call her bad. To quote him:

From the woman is our birth; in the woman's womb are we shaped.

To the woman are we engaged; to the woman are we wedded.

The woman is our friend, and from the woman is the family.

If one woman dies, we seek another;

Through the woman are the bonds of the world.

Why call woman evil who gives birth to kings and all?

From the woman is the woman; without the woman there is none;

Nanak without the woman is the One True Lord alone.

A.G., p. 473

Guru Nanak also condemned the idea of impurity of a woman in the days of her menstrual cycle. Guru Nanak said there is no impurity in it. It is a natural cycle. Actual impurity is in the mouth of a person who tells lies after lies. Impurity is due to bad qualities and not due to natural bodily function (A.G., p. 472).

Then he condemned the idea of impurity after the woman gives birth to child. There was a system to keep woman isolated from the rest of the family for some days after the child's birth. She was not allowed to touch anything because her

touching anything would render it impure. This impurity was called *Sutak*. Guru Nanak raised his voice against this evil practice. He said everywhere reproduction is taking place. Even the cowdung-cakes, used to cook food, are not free from it. The insects are reproducing, then, there must be impurity in fire also. None of the things we eat or use otherwise is free from life, which is multiplying every moment. He told that actual impurity is due to evil thoughts of mind. In *Asa ki Var* he says:

If impurity attaches (to life's birth), then all, all over, are impure.
 In the cow-dung and the wood too is the life of worms.
 As many are the grains of food, not one is without life.
 And, is not water life that brings all to life?
 How can then we believe in life's impurity, when impurity is in our bread?
 Nanak: impurity goes no otherwise save by being wise.

Further the Guru tells about the actual impurity:

The mind's impurity is covetousness; the tongue's impurity is Falsehood.
 The impurity of the eyes is coveting another's woman, beauty and riches.
 The ear's impurity is to hear and carry tales.
 Nanak: even the purest of men, thus bound, go to the city of the Dead.

A.G., p. 472

On the basis of these ideas he described *Sutak* as an illusion of mind:

All idea of impurity is illusion of mind,
 which attacks those who are in the duality of Maya,
 The creatures take birth and die through His will through
 His Will one comes and goes.
 To eat and drink is pure: For the Lord hast Blest us with these in His Mercy.
 Nanak: they who Realise the Truth through the Guru, to them Impurity sticks not.

A.G., pp. 472-73

Sikhism forbids women to immolate themselves on the pyres of their dead husbands. The third Guru puts a complete ban on the *Sati* system. He says:

A '*Sati* is not she, who burns herself on the pyre of her spouse.
Nanak: a '*Sati* is she, who dies with the sheer shock of separation.

Again:

A *Sati* is one who lives contented and embellishes herself
with Good Conduct (Chastity).

And Serves her Lord (Husband) with all her heart and
Cherishes Him ever.

A.G., p. 787

The fifth Guru also condemned the *Sati* system and told that it was of no use to burn oneself. One can't reach one's husband. A true *Sati* is the one who obeys her husband and surrenders to his will and thinks her husband only as her master, just as a *Bhagat* takes God as his Husband (A.G, p. 185). The fourth Guru also condemned the system of dowry (A.G., p. 79).

Man, according to the Sikhism, is to treat his wife in a rightful manner. He must satisfy himself with his wife only. He must not go out for other women to satisfy his lust. Guru Gobind Singh asked not to think of other women in a lustful manner even in dreams (Charitropakhyan 21-51, 4). Bhai Gurdas advises to treat other women as mothers, sisters or daughters according to their age (Var 29: 11).

It is not only the woman who has to adjust with her husband but it is both ways. It is a mutual adjustment. The third Guru tells:

They are not said to be husband and wife who merely sit
(live) together.

Rather they alone are called husband and wife who have
one soul in two bodies.

A.G., p. 788

In Sikhism women have got full religious rights. They can, not only, come to the Sikh religious place *i.e.*, Gurdwara but also participate actively in the functions. In Sikh history we can have the examples of Mata Khivi, the wife of the second Guru, took active part in the maintenance of the *langar* *i.e.* community kitchen. The *Adi Granth* confirms this.

There are several examples in Sikh history to show that the women worked and

cooperated with men, sometimes with greater vigour. Examples of Bibi Bhani, Mata Gujri (the mother of Guru Gobind Singh), Mai Bhago (who fought valiantly at Khidrana, now Mukatsar, at the time of Guru Gobind Singh), Mata Sundri are worth mentioning. Mata Sundri provided the much-needed leadership during the critical period after the demise of her husband Guru Gobind Singh in 1708.²²

In modern times, the Declaration of Human Rights by UNO declares in its article 2 that all human beings are entitled to the rights listed in the charter without the distinction of race, colour, sex and language etc. The Indian constitution also contains similar provisions.

(8) Right to Resist Oppression

Ancient India had a strong tradition of the subjects resisting the tyrannical ruler and his functionaries. There is an ample evidence to support the argument that subjects were advised to resist the tyrants or to leave his territory and shift to better-governed kingdom.²³ It was probably hoped that the prospective loss of the revenue might bring the king to his senses. In extreme cases the- subjects could even replace the king even by killing (Sukranitisar 11.274-75).

The *Mahabharata* recognises subjects' right to tyrannicide, if there was no other remedy left t- them *XIII.86.35-6*. Even many names of tyrant kings, who were killed by the people, can be traced. *Jatakas* also record a number of cases of subjects killing wicked kings as a punishment for their tyranny (Jatakas Nos. 73, 432).

With this we can draw the inference that sovereignty ultimately rested in people. It was not a constitutional rather an extra-constitutional right given to them by the scriptures, though it was a remedy very difficult to adopt due to the might of those tyrant rulers.

In the western school of thought St. Thomas Aquinas (1227-1274) takes it as a duty and not right of the people to resist the tyrant ruler. "If he becomes tyrant and pursues his personal interests it becomes the duty of the subjects to resist. It is for this reason that the resistance of tyranny is not only a right but a duty."²⁴

Thomas Hobbes (1558-1679) was of the view that the sovereign must get absolute powers. But man has entered into contract with the state and surrendered certain rights for the sake of his protection of life. If the sovereign endangers life then the

people have the right to resist and change him. "...every man has the right to disobey if his sovereign commands him to kill, wound, or maim himself; or not to resist those that assault him; or to abstain from the use of food, medicine or any other thing, without which he cannot live..." (Leviathan II, 21, p. 204).

John Locke was a great defender of the Glorious Revolution (in England) of 1688. He was firmly of the opinion that the people must resist oppression. The true remedy of force without authority- is to oppose force to it. According to T.H. Green (1836-82) when the laws of the state are tyrannical and the state fails to promote the common good, "resistance under these circumstances is not merely a right but it becomes a [duty](#)."²⁵

In Sikhism subjects have been given the right to raise their voice against the oppression of the ruler. Guru Nanak condemned the brutalities of the rulers of his time. It was he who stood against the ruler without any fear and hesitation. To quote him:

The kings are like whores, the courtiers like dogs:
 For they awaken those that sleep in God's peace.
 The king's servants tear (the docile subjects) with their nails,
 And, like curs, lick up all the blood that they spill. A.G., p. 1288

Very courageously he spoke against the injustice being done by the rulers of his time:

The *Kali*-age is (like) the knife; the kings are (like) butchers.
 And righteousness (justice) has taken wings;
 All around, it is the dark night of Falsehood;
 And Truth! O, where is the moon of Truth? A.G., p. 145

Guru Nanak blamed the subjects even more. According to him it was the fault of the public, which obeyed the orders and showed faithfulness without seeing the right or wrong. In *Asa ki Var* he says:

Avarice and Sin are the king and the minister, and Falsehood is their chief;

And Lust is the adviser, and so they all confabulate. Their subjects too are blind, without wisdom; and like the dead, they dance to their tune (submit to their will).

A.G., pp. 468-9

He calls such men, who, for the sake of piece of bread obey like dogs all the orders of the ruler, whether right or wrong. He forbade obeying the orders of an unjust ruler:

Says Nanak, they are human in form, by name,
But in deeds a dog, waiting for the (just or unjust) order
at master's door.

A.G., p. 350

Guru Nanak was in favour of taking a stand against the misrule. For this the subjects must be prepared for it and not let the ruler to misuse his authority. The fifth Guru, Arjan Dev had the boldness to challenge the oppressive ways of the contemporary ruler and in the process, faced martyrdom. Hargobind, the sixth Guru, had to resort to military action for the purpose.

Guru Tegh Bahadur did not accept the oppressive policy of the ruler of his time and stood against the religious persecution and reign of terror let loose on those who did not conform to the religious policy of the state. The Guru, who believed in the freedom of religions voiced his protest against the policy of Aurangzeb of forcibly converting Hindus to Islam and laid down his life in 1675 to uphold the principle of religious freedom. His son and successor Guru Gobind Singh created the *Khalsa* and fought against the unjust rule of Aurangzeb, the then ruler. He devoted the best part of his life in fighting against the oppression. Clearly stating his non-submissive rather offensive policy towards the royal oppression he writes in the *Zafarnama*, the epistle of victory:

When all efforts to restore peace
Prove useless and no words avail,
Lawful is the flash of steel then
And right it is the sword to hail.

V.22

For him it is better to die while facing such a challenge than to submit to repressive and unjust policies of the rulers. Even Guru Nanak gives the right to die while facing the challenge, for a righteous cause. He says:

Blessed is the dying of the Hero whose death is Approved
by the Lord.

A.G., pp. 579-80

NOTES AND REFERENCES

1. Webster's New Twentieth Century Dictionary.
2. Homer, *Odyssey*, I X, 114.
3. H.F. Jolowicz, *Historical Introduction to the Study of Roman Law*, p. 105.
4. St. Augustine, *City of God*, XI X, 21.
5. Maxey, *Political Philosophies*, p. 225.
6. Vaughan, *Studies in the History of the Political Philosophies*, p. 168.
7. R.C. Majumdar, *The History and Culture of the Indian People*, Vol. II p. 67.
8. Allen, *A History of Political Thought in the Sixteenth Century*, p. 480.
9. *Ibid.*, p. 170.
10. Wayper, *Political Thought*, p. 59.
11. H.J. Laski, *Political Thought in England from Locke to Bentham*.
12. ...social and cultural rights indispensable for his dignity and the free development of his personality—Article 22, *Universal Declaration of Human Rights*.
13. Homer A. Jack, *Religion for Peace*, Proceedings of the Kyoto Conference on Religion and Peace, p. 181.
14. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment—Article 23.
'Everyone has the right to a standard of living adequate for health and well-being of himself and of his family, including food, clothing, housing, and medical care..'—Article 25.
15. *Mahabharata*, XI I , 29. 112, *Suvarna*, XI I I .50.63.
16. Carlyle, *History of Medieval Political Theory*, Vol. V. p. 41.
17. Homo Hierarchicus, *Dummont*, p. 21.
18. 'Everyone is entitled to all the rights and freedoms set forth in this Declaration, without any distinction of any kind, such as race, colour, sex, language..'

19. H.J. Laski, *A Grammar of Politics*, p. 114.
20. 1. Everyone has the right to education. Education shall be free, at least in elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be generally available and higher education shall be accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.
- Article 26
21. William A. Hunter, *Introduction to Roman Law*, p. 24.
22. (i) Shamsheer Singh Ashok (ed.), *Nisan te Hukamname* (Punjabi), pp. 85-93.
(ii) Ganda Singh (ed.), *Hukamname* (Punjabi), pp. 196-236.
23. *Sukranitisara*, IV, 1.3.
King Krshnadevaraya of Vijayanagar warns his officers that they should not allow subjects to migrate under such circumstances, but should try to remove their grievances.
24. Sabine, *A History of Political Thought*, p. 256.
25. T.H. Green, *Principles of Political Obligations*, p. 140.



MAIN PAGE