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Indian Tradition and culture, Protection of Human Rights and Business in India: A Review from Historical Perspective

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ABSTRACT

Culture and tradition is the bedrock of a country. A country is known by her tradition and rich culture only. India is no exception to it. India is having very rich tradition and culture from time immemorial. These traditional and cultural ethos are reflected in almost all spheres including human rights and trade & business. The concept of human rights is not new in our country. We the people of India learn to respect each and every human being from our childhood. We have learned various lessons from the lives of Gautam Buddha, Guru Nanak, Mahavir Jain, Lord Krishna, Mahtama Gandhi etc. Protection of human rights is not only important for the development of the society but also for the development of trade and business as well. A businessmen or industrialist cannot be apathetic in protecting human rights of its workmen and employees. Each and every business house should equally be interested to protect the human rights of the society. Failure to discharge this responsibility will not only destroy the business but also the society as well. It is on this socio-legal perspective, we have ventured to write this article of immense significance, "Indian Tradition and Culture, Protection of Human Rights and Business in India: A Review from Historical Perspective."

Keywords: History, tradition, culture, business and human rights.

I. INTRODUCTION

"The greatness of humanity is not in being human, but in being humane"

----- Mahatma Gandhi

The human rights traditions in India are inherent in its culture, tradition and heritage. Indian traditions are based on the mutual respect of humans with other living creatures of the earth. The human rights recognition is present in India since Vedic period where the whole

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philosophy was based on “Dharma”³ which without discrimination between any living organisms takes up the progression of all. Indian traditions related to human rights follow the concept of universalism which recognises equal protection to all from the State. Human rights are natural rights which are available to everyone on being a human⁴. Our Indian civilization has extended this tradition of human rights from human to animals, birds, trees, rivers, lakes etc. which itself predicts the highest respect for all living organisms on the earth⁵. In this reference we can easily recall the incident from Gautam Buddha’s life when he protected a crane bird with his own life, nursed its wounds and showed compassion towards living creature besides human beings⁶. Along with this, human rights protection and implementation are not only restricted to humanitarian aspect towards all living beings but it has been extended to the various kinds of activities including business activities. Business is the act of making livelihood and earning profit which is directly associated with the human beings so that they can earn money and spend it on their needs. When this act is so much associated with human beings, it must involve human rights protection. In this regard, from the early period of the Indian civilization the concern towards human rights protection in matter of business have been dealt. From the period of Harappan civilization India has developed its relations with various other civilizations including Mesopotamia, Egypt, and China. There are several examples where it has been found that the products of Harappan civilizations have been founded at different archaeological sites of various countries⁷. Later on, with the beginning of Vedic period, the documentation of human activities started with a philosophical approach towards life. With reference to human rights aspect of business Vedas, Upnishad and other documents are very liberal towards the human rights implementation in business activities also⁸. When Rig Veda says; There is one race; of human beings. It definitely extends its virtues to the human rights in business of the country. This tradition of human rights in business has grown and developed in India through various historical events and during various dynasties. It has continued in medieval and modern periods of Indian history and can be traced in chronological order.

This article has discussed the gradual historical evolution of human rights in India, relation between human rights and business and legal framework to protect human rights in business.

³ It is a comprehensive term which includes duty, morality, ritual, law, order and justice.

⁴ Bhagyashree A. Deshpande, *Human Rights: Law & Practice* 23-24 (Central Law Publication, Allahabad 2019)

⁵ Manoj Kumar Sinha, *Implementation of Basic Human Rights* 2-3 (Lexis Nexis, Bahadurgarh, Haryana 2013)

⁶ <https://visitworldheritage.com/en/buddha/buddha-and-the-sarus-crane/f008726c-a6ff-4d5c-a06f-ec7d61ea4d47> (Last visited on 12/07/2022)

⁷ R.C. Majumdar, H.C. Raychaudhuri and Kalikinkar Datta, *An Advanced History of India* 19 (Macmillan, New Delhi 2013)

⁸ V.D. Mahajan, *Ancient India* 65(S. Chand and Company Limited, New Delhi 2016)

And finally, the authors have made some suggestions to respect and protect human rights by the business houses as we have learned from our tradition and culture.

II. GRADUAL EVOLUTION OF HUMAN RIGHTS IN INDIA: A HISTORICAL PERSPECTIVE

Despite the claims of western world regarding origin of the concept of human rights in western world, it is also well recognized that Indian culture has always shown respect towards the human dignity of every individual. Indian culture is a melting point of different cultures and religions which embraces their objective of highest respect towards human rights. Human rights in business are also an inherent trait of Indian culture which is quite evident from different kinds of business activities in inland trade and business and international business. From the beginning we had trade and commercial relations with our neighbors and within our country also trade and business flourished during Vedic period, Mauryan period, Gupta period and many more dynasties. Besides Vedas and Upanishads, Arthshashtra is one of the primary and prominent texts regarding the recognition of economic rights of the individuals in India. This text is dedicated to the economic development of the country and its focus is upon regulation of business in best possible mode for the benefit of people. At that time, agriculture was the main source of economy but there were certain trade and business owned by individuals and state. To protect the human rights of individuals indulged in business very nominal taxes were imposed by the state. Not only in terms of taxes but to provide better protection officers like; Sitadhyaksha⁹, Akaradhyaksha¹⁰ and Samasthadhyaksha¹¹ were appointed so that any kind of inhuman practice could be carved out of business and trade activities.¹² During the period of Mauryan and Gupta rulers the merchant class in Indian society grew and was looked upon with very respect as they were contributing towards the economy of the country¹³. Not only this, there was an organization of five hundred merchants from Aihole which included members of trading communities from Tamil Nadu, Karnataka and Andhra Pradesh¹⁴. The growth of merchants' guild continued during medieval period also where certain guilds like Anjuvannam and

⁹ Officer in charge of agriculture

¹⁰ Superintendent of mines

¹¹ Superintendent of market

¹² R.C. Majumadar, *Ancient India* 212-214 (Motilal Banarsaidass Publishers Private Limited, Delhi 1977)

¹³ Lallan ji Gopal, Quasi-Manorial Rights in Ancient India 6 *Journal of the Economic and Social History of Orient* 307 (1963)

¹⁴ Ayyavolu five hundred lords was a group of merchants working for the trading and business communities in southern part of India with the primary objective of protecting the interests of business communities and creating human conditions for the employees working with those business communities.

Manigramam served the interest of business community¹⁵. The Indian trade relations were extended in East Asian countries also like Indonesia, Java, Sumatra and Bali. This sea route for trade and business activities was well established by the beginning of the Christian era and it was present even before the arrival of Arab and Persian ships to India¹⁶.

The rich tradition of business and trade continued during Mughal period also where international trade also flourished and India established excellent relations with several countries.¹⁷ During that period also the business community got protection from state and the officers appointed to monitor market etc. were very sensitive towards trade and business activities as it was directly related with the livelihood of the people.¹⁸ With the advent of Britishers in India, the whole trade and business was monopolized by them and that was a dark period for the business and human rights aspects. They came to India as a Company but very soon took over the whole country and with their colonial temperament they only focused on exploitation of all the communities and did not pay any respect to human rights.¹⁹ Later on, after independence India started a new beginning and through Constitution again focused on the human rights protection in all aspects including business.

III. RELATION BETWEEN HUMAN RIGHTS AND BUSINESS

Business is an activity or economic system where goods and services are exchanged for money. This is a practice which is in existence from time immemorial and it started with barter system and reached to the modern transactions, but the ultimate goal remains the same; earning livelihood and profit. Like earning livelihood and profit out of business, human rights protection is also one of the integral parts of it. When human resources are employed by the companies for business, they choose for most efficient and dedicated staff for them. Only choosing a good human resource cannot be a guarantee of success of business but the factors like humane condition for work, equal pay for equal work, protection against any kind of exploitation, reasonable working hours and many more add more towards the achievement of a value added business in country. In many research it has been proved that the work efficiency and productivity of employees boosts up with human conditions provided to them. Human rights and business are inseparable from each other. On the basis of this, the United

¹⁵ Supra note 6 at 455 & 456

¹⁶ <https://en.unesco.org/silkroad/knowledge-bank/trade-contacts-indonesian-archipelago-6th-14th-centuries> (Last visited on 10/07/2022)

¹⁷ John F. Richards, *The Mughal Empire* 190-191 & 197 (Cambridge University Press, New Delhi 1993)

¹⁸ Catherine B. Asher and Cynthia Tolbot, *India Before Europe* 152, 256-259 & 266 (Cambridge University Press, New Delhi 2006)

¹⁹ J. T. Wheeler, *India under British Rule; From the Foundation of the East India Company* 4-5 & 11 (Srishti Book Distributors, New Delhi 2015)

Nations has also come up with Guiding Principles on Business and Human Rights²⁰, which has an objective of protect human rights, respect human rights and provide remedy against any kind of human rights violation by business activities. It also provides blue print to companies to respect and protect human rights. These Guiding Principles have emanated from the Universal Declaration on Human Rights and International Convention of Economic, Social and Cultural Rights²¹ which advocates for economic rights and their protection. And this economic protection is intermingled with the protection and implementation of human rights. Businesses are run by the humans then why not talk about human rights implementation in business. Also by looking into the universal character and importance of human rights implementation in business they both are getting connected with stronger bonds and making them inseparable.

IV. LEGAL PROTECTION OF HUMAN RIGHTS IN BUSINESS: PRESENT SCENARIO

In the present time the concern for human rights protection in business has completed a long journey. Now, it is well recognized by the international community and all the countries in their domestic laws about the need and importance of human rights implementation in business activities. The best possible way to implement these rights is through legislative actions by making laws. India is under obligation through its ratification of different international conventions to implement human rights in business actions also. The foremost document in this regard is the Constitution of India which provides for the protection of economic rights of its citizens and it has many provisions enshrined for the protection of these rights²². All these rights are applicable to business activities so that the people working over there must get minimum humane facilities during their work and achieve livelihood with dignity²³. These rights include right to livelihood²⁴, humane environment to work²⁵, maternity benefit²⁶, right against exploitation²⁷, equal pay for equal work²⁸, right to life²⁹, right to clean environment³⁰ etc. These rights give protection to all employees working in different businesses and put obligation upon state to protect the rights and fulfill its obligation. In this

²⁰ The UN Guiding Principles on Business and Human Rights are set of guidelines for States and Companies to prevent, address and remedy human rights abuses committed in business operations.

²¹ ICESCR, 1976

²² The Constitution of India, *Preamble: Justice, social, economic and political*

²³ *Munn v. Illinois*, 94 U.S. 113(1876)

²⁴ The Constitution of India, art.21, *Olga Tellis v. Bpmbay Municipal Corporation*, AIR 1986 SC 180

²⁵ The Constitution of India, art. 42,

²⁶ *Air India Etc. v. Nergesh Meerza*, ARI 1981 SC 1829, The Maternity Benefit Act, 1961

²⁷ The Constitution of India, art. 23, *Bandhua Mukti Morcha v. Union of India*, AIR 1984 SC 802

²⁸ The Constitution of India, art. 39(d)

²⁹ The Constitution of India, art. 21

³⁰ *M.C. Mehta v. Union of India*, AIR 1987 SC 1086

regard, the Protection of Human Rights Act, 1993 is very significant in protecting and implementing human rights in all types of activities. This act is having jurisdiction throughout country and irrespective of state or private owned business it can ask for human rights implementations for the employees working. This Act also provides for the establishment of National and State Human Rights Commissions for protection and implementation of human rights and also regular monitoring of all the working premises where ever human rights violations are reported³¹. Human rights violations become more specific when it comes to vulnerable section of society, I.e. women. In this regard, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 came into force for the protection of women at their workplace from the most heinous kind of human rights violation I.e. sexual harassment at workplace. This law provides for the constitution of internal complaint committee³² and Local complaint committee³³ to address all the grievances against any sexual harassment at workplace against women. This law has same implementation on both state and private business, trade, commerce and any kind of workplace engaging women. Other significant legislations in India to protect human rights at business related workplaces are; Bonded Labour System Abolition Act, 1976 and Contract Labour (Regulation and Abolition) Act, 1970, Minimum Wages Act, 1948, Child Labour (Prohibition & Regulation) Act, 1986, Hazardous Wastes (Management & Handling) Rules, 1989, Environment Protection Act, 1986, the Companies Act, 2013³⁴ etc. The legal protection which is available in the present time for the protection of human rights in business is much wider and unmatched if compared with historical events. But, the idea and concept of human rights protection in business acts has always been present and can be said to be inherent in Indian traditions and culture.

V. CONCLUSION AND SUGGESTIONS

From the above discussion, it is very clear that Indian citizens are well trained and aware about the protection of human rights and its application in business. Indian tradition and culture teaches us how to protect human rights also Indian religions preaches the supreme value of humanity and how to protect that. If these traditions and culture are properly reflected in trade and business then the trade and business excel itself. The growing dynamics of human rights in business is an issue which requires to be addressed by all the stakeholders

³¹ The Protection of Human Rights Act, 1993 (Act 10 of 1994), ss. 3, 12, 21 and 30

³² The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (Act 14 of 2013), s.4.

³³ The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 (Act 14 of 2013), s.6

³⁴ The Companies Act, 2013 (Act 18 of 2013), ss. 135, 149 and Schedule VII

of the society. The human rights in business are related with social, political and economic dimensions which will certainly affect people at every stratum. It is true that this idea is inherent in our tradition and culture and along with it there is much legislation available which advocates for the human rights implementation in business. But we have to look into real scenario which proves to be very ineffective in terms of human rights implementations in business.

In this regard, Ministry of Corporate affairs, government of India should take initiatives to issue appropriate guidelines or regulations to incorporate the human rights principles in the corporate laws, so that all business communities will be compelled to show their interest in protecting human rights. The other regulatory bodies like SEBI, RBI, and CCI etc. should also take initiatives to frame proper relations for business houses for giving proper respect to human rights when they will carry on their business activities. Let us gird up the loins to protect the human rights in trade and commerce otherwise the entire society will be in jeopardy if we fail to do so.
