

## **Introduction: Symbiosis of Human Rights and Literature**

To start with the title of the thesis, “**Problematics of Human Rights in Contemporary Indian English Fiction**”, it is important to first explain the phrase ‘Human Rights’. The concept of human rights is rooted in the philosophy of humanity which means kindness, sympathy, love, affection, and compassion to mankind. Humanity demands equal treatment and opportunity to all people without any discrimination. It is speculated by Samuel Moyn in his book *The Last Utopia: Human Rights in History*, that:

When people hear the phrase “human rights,” they think of the highest moral precepts and political ideals... The phrase implies an agenda for improving the world, and bringing about a new one in which the dignity of each individual will enjoy secure international protection. It is a recognizably utopian program.... Human rights in this sense have come to define the most elevated aspirations of both social movements and political entities—state and interstate. They evoke hope and provoke action. (Moyn 1)

All human rights spring from the human spirit. The characteristics of human nature are stretched in a vivid spectrum by the American poet, William Blake in the following quote:

For mercy has a human heart,  
Pity a human face  
And love, the human form divine,  
And peace, the human dress. (44)

Without morality, man is mere an animal whose purpose of life is to eat, drink and be merry. The human relations in a society are shaped by values such as dignity, liberty, equality, justice, ethics, and morals. In this context, human rights are not only used as alternative to moral values; rather, they are themselves moral in nature. This is the reason that today people have an aversion to the word ‘morality’. Human rights is a response to suffering or a set of objectives toward achieving a better world. But the major question is where exactly the idea of human rights is invoked. The existence of Human Rights is not like Big Ben or Legislated Law in the statute book. It is a notion that ‘Human rights’ is as old as the history of human society on earth, but it is also a fact that human rights has no golden legacy from the past on which one can draw for contemporary moral sustenance. The fertile breeding ground of human rights is the mind, not the heart. Immanuel Kant is the modern godfather of human rights. But it was Blaise Pascal who summed up this perspective when he famously claimed that thoughts constitute the very essence of humanity and remarked: “the human being is just a reed, the weakest thing in nature but it is a thinking reed...so our whole dignity consists in thought. That is what we should rely on... so let’s work at thinking well; that is the basis of morality.” (30)

Its real origin goes back to 539 B.C when Cyrus, the great king of ancient Persia, conquered the city of Babylon and freed all slaves. The historical beginning of human rights starts with the Magna Carta of 1215. These rights were further extended with English Bill of Rights in 1689. American Declaration of Independence 1776, the French Declaration of Rights of Man & Citizen 1789, and the first ten Amendments of the Constitution of United States (Bill of Rights 1791) proved to be the most significant

milestones in the development of the concept of 'Human Rights'. These rights gained flesh and blood with the adoption of United Nations Charter. Later, in 1948 due to the sufferings of the Second World War, came the proclamation of the Universal Declaration of Human Rights. In 1966, the United Nations General Assembly adopted the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), which together formed the International Bill of Human Rights. This bill laid the foundation for the formulation and adoption of human rights treaties and incorporated concerns relating to equality, non-discrimination, education, health, social security, administration of justice, social development, violence against women, and the status of refugees and minorities. It advanced the claims of dignity, its maintenance and declared the grounds typically used to exclude others from receiving equal regard as illegitimate. It established that all human beings are entitled to equal treatment and human rights are of justice for them. A clay tablet in the Akkadian language with Cuneiform script is the first human rights document which is translated into all six official languages of the United Nations and its provisions parallel to first four articles of UDHR.

The human rights process is evolutionary. It began with the notion of 'natural' right propounded in the seventeenth century by the philosopher John Locke who argued that all individuals are gifted by nature with the inherent rights to life, liberty and property. As natural rights are intrinsic and independent of rights provided by the state, these cannot be taken away. Later Rousseau in his book *The Social Contract*, put the natural order to an end. He called the real will of the society as the General Will which is sovereign. He also regarded that government is an institution functioning under the

General Will of the people. The American independence movement of 1776 and the French Revolution of 1789 were inspired by the ideal of 'natural' rights, and both movements sought to challenge governments that curtailed the natural rights of people. It was during the French Revolution in 1789 that natural rights were elevated to the status of legal rights with the 'Declaration of the Rights of Man'. Several political and social movements through the nineteenth century used this Declaration. For instance, the suffragette movement was premised on the natural equality between men and women. John Stuart Mill claimed that rights are founded on the principle of utility and the assault upon natural law intensified during the nineteenth and twentieth centuries. Apart from it, Darwin's assumptions 'Might is Right' and 'Survival of the Fittest' have universal connotations in the sense that mighty people are likely to belittle and exploit the weak, while the fittest will survive at the cost of rights of other human beings in all times and ages. The prominent political thinker Harold Laski also accepts utility as the basis of rights and says that in fact rights are those conditions without which no man can aspire to cherish self-esteem and self-respect. These philosophical concepts have a profound impact on law as law in any society is to regulate the relations between men and to alleviate the intensity of conflicts. The expansive set of human rights was codified by the Universal Declaration of human rights. It declares that "all human beings are born free and equal in dignity and rights."(UDHR). It also foregrounds that human rights are the basic standards of equity and justice without which people cannot live in dignity. The central tenet of human rights is the equal dignity of all persons. Human rights can thus be defined as the inalienable and indivisible rights held by all human beings, and yet

ironically, their abuse is a daily occurrence. In this context, human rights theorist Jack Donnelly rightly describes human rights as “possession paradox.” (9)

Historically, human rights have been classified in terms of three generations, viz. (i) civil and political rights, (ii) economic, social and cultural rights, and (iii) solidarity rights. The first generation human rights includes both the personal rights such as the rights to life, liberty and security of the person, prohibition of slavery and torture, freedom of movement and protection against arbitrary expulsion, rights to privacy, marriage, family life and rights of children, as well as the political freedoms and political rights which seek to secure to the people a respectful space in the public and political life of the country are in the nature of negative rights of the people whereby the state has been barred to interfere in the individual matters of the citizens. On the contrary, after the independence of a number of Afro-Asian countries, the second generation human rights emerged as the provisions of positive obligations on the part of the state to secure for the people the basic social and economic facilities and requirements which form the basis of a contented, delightful and autonomous life to the common people. The third generation of human rights emphasized on the ‘group rights’ of the vulnerable and weaker groups in the society such as women, children, refugees, displaced persons, minorities, tribal, landless and bonded labour, unorganized labour, peasants, under trials, prisoners of war and people with disability etc. It also argued for special provisions for the protection and promotion of these groups. More importantly, in the context of the contemporary trends towards globalization and liberalization, the collective rights of the socialist and the third world countries especially the right to protect environment and natural resources, right to development and the right to peace appear to be the most significant for the survival of

the developing countries against the economic imperialism of the multinational corporations having their roots in the developed countries.

But the Frenchman Rene Cassin being the principal drafter of declaration won the Nobel Peace Prize in 1968. He pointed out that the Declaration is founded on the fundamental pillars i.e. personal rights (the right of equality; the right to life, liberty and security, etc. Articles 3 to 11). Then come the rights that belong to the individual in his relationships with the social groups in which he participates (the rights to privacy of family life and to marry; to freedom of movement within the national state or outside it; to have a nationality; to asylum in case of persecution; rights to property and to practice a religion: Articles 12 to 17). The third group is that of civil liberties and political rights exercised in order to contribute to the formation of government organs or to take part in the decision making process (freedom of conscience, thought and expression; freedom of association and assembly, the right to vote and to stand for election; the right of access to the government and public administration: 18 to 21). The new generation of human rights i.e. fourth generation of human is the survival kit wherein right to development vis-a-vis - rights which operate in the sphere of labour and production relationships and in that of education, rights to work and social security and to free choice of employment, to just conditions of work, to equal pay for equal work, the right to form and join trade unions, to rest and leisure, to health care, to education and the right to participate freely in the cultural life of the community: Articles 22 to 27).

There are mainly three approaches to the study of human rights. They are 1. Western or Liberal approach. 2. Marxian or socialist approach. 3. Third world approach. The Western approach which is also known as the liberal democratic approach

is based on the natural law and natural rights view of human rights. The advocates of liberal approach argue that the duty of the government is just to maintain law and order so that everybody will get a chance to enjoy their rights. It laid stress on the Civil and Political Rights. Thomas Hobbes, John Locke, J.S, Mill were the ardent advocates of the liberal approach. The Marxist approach of the human rights can be seen in the writings of Karl Marx, the Engels and Lenin. It gives more importance to the social rights than the individual rights. Therefore, the duty of the state is to guarantee the civil and economic rights to its citizens. Marx is of the view that inequality exists in a capitalist society. The capitalist enjoys all the rights and majority working class is deprived of the rights and they are exploited. He is of the view that only in a classless society the people can enjoy the rights in its full meaning. The Third World countries never agree with the universality of the human rights due to diverse socio-cultural matrix. Human Rights violation is a common feature in most of the third world countries. These countries face tremendous problems of state building, economic reconstruction, ethnic conflicts, the criminalization of politics and lack of accountability has become common in these countries. Thus, human rights are illusory to the large sections of populations of the third world countries. In the process of pursuing socio-economic goals the developing countries do not show the desired respect to civil and political rights.

In this way, though, the concept of Human Rights is relatively new, but traditionally it was known by the name of natural rights of man. In true sense, today's human rights are the outcome of ancient natural rights or we can say a new form of natural law of mankind. These natural-law ideals of respect for human dignity were extended to the whole world. The Declaration was prefixed with the term 'universal'. But

for the socialist countries this Declaration was a Pyrrhic victory because these countries did not see it as a solemn Decalogue valid for all, but merely as a weapon in the cold war to attack the West. Countries like South Africa and Saudi Arabia dissociated themselves from the final declaration, demonstrating that they were not prepared to yield to its demands. It was also less impressive in absence of any form of legally binding. However the closer inspection makes it clear that the Declaration was a real victory not only for the west but also for other countries and for humanity as whole. Consequently, Socialist countries began to participate in it and most importantly during 1950s and 1960s, the Declaration acted as a lodestar consistent with human dignity for various third world countries who recently gained independence. Its fact except Iran all newly independent states maintained this Declaration as an inspiration.

In common parlance, the word 'right' refers to both being right and having right that is rectitude and entitlement. It suggests an interactive relation between right and duty as no right is possible without duty and vice versa. It promotes peace, security and orderly behaviour of mankind to establish a conflict free value based society. The increasing reliance on right based approach developed a number of values from ancient to modern times. These values have had a great impact in the realization, promotion, and protection of human rights. In this way, the spirit of human rights have been transmitted from one generation to another and the notion of human rights is the most precious legacy of the classical and contemporary thought. Virtually, the idea of human rights has remained significant in all forms of human organizations. Beginning in the form of the natural rights, conceptualized by the social contract theorists, and in its present state, human rights have become the sine qua non of the humanity at large. Various treaties



have developed to protect the rights of women and children; to abolish racial discrimination. The International Convention for the Protection of All Persons from Enforced Disappearance (2006) and further conventions in the domain of Prevention of Genocide / Refugee Convention / Convention against Human Trafficking and The Convention on the Rights of Persons with Disabilities (2006) are some of the examples. All these commitments made human rights a matter of international concern and governments liable to implement these rights. But there are some problems in implementation of human rights as state governments do not adhere to their promise and continue to violate the treaty obligations in pretext of their sovereignty to deal with their domestic problems. The controversies over the rights of groups like indigenous people, women, and transgender have complicated the original focus on the rights of individuals. In this way, human rights claim is most meaningful in a situation of rightlessness and vulnerability. So, it is hyperbolic to use human rights language where rights are always (or almost always) guaranteed. In real sense of the word, human rights discourse appears irrelevant where they are freely enjoyed and relevant when they are under threat. The discourse of human rights puts people first in place of the growing inequality and wide spread poverty that characterized the era of neo-liberal movement coupled with the uneven distribution of the benefits of the processes of globalization.

Various factors like the nature of society, needs of the people, values or norms of the society, socioeconomic, political conditions and cultural content are responsible for the development of Human Rights. For example, right to life has no meaning for a poor man if he has no food to eat. Above all, the inventions and discoveries of science which have revolutionized the very life style of human beings and the indefensibility of torture,

cruelty, inhuman and degraded treatment, hunger, genocide, arbitrary arrest and detentions make the applicability of human rights more relevant. The perceptions regarding human rights keeps on changing from time to time, place to place and people to people. These perception vary within the same society from one level to another. It is a generally perceived notion that 'Human rights' is as old as the history of human society on earth. The word 'Human' means belonging or pertaining to the nature of man or mankind. The word 'Right' denotes the freedom and advantages that everyone should be allowed to have as rights are those essential conditions of life without which man cannot be at his best. These rights are sometimes called fundamental rights or basic rights or natural rights. As fundamental or basic rights, these are rights which must not be taken away by any legislature or any act of the government and which are often set out in a constitution. As natural rights, these are seen as belonging to men and women by their very nature. These rights are commonly shared by all, therefore, the state is obliged to protect these rights. The legal duty to protect human rights includes the legal duty to respect them. The preferable forum for the legal realization of human rights is the nation-state. However, this makes the protection of human rights dependent on the protective capability of the nation-state, and this seems to contradict the claims of universality of human rights which is based simply on human identity. There is no single definition or theory to embrace in explaining the multidimensional facets of human rights. Human Rights are those minimal rights that every individual must enjoy by virtue of being a member of human society, irrespective of any other consideration. These rights are shared equally by everyone regardless of sex, race, nationality and economic background. We are all equally entitled to our human rights as they are inherent in human dignity

without any discrimination. Lyn Beth Neylon describes the concept as: “You are a human being. You have rights inherent in that reality. You have dignity and worth that exists prior to law.” (Qtd in Parekh 78)

Another important and significant feature of human rights is that they are not earned, bought or inherited, nor are they created by any contractual authority unlike fundamental rights. The colour of one's skin may be white or black, the level of one's mental make-up may be high or low, his or her way of life may be modern or primitive to the core, yet the fact remains that essentially all of us belong to the species of human race. This fact cannot be dismissed by any stretch of imagination. Contrary to this preamble, we quite often witness the violation of human rights of those who are economically poor, socially backward, and those who belong to religious minority. Even the discrimination against the race and gender is also very commonly witnessed. There is an indestructible link between civil and political rights on the one hand and economic and social rights on the other. So, all these rights are interrelated, interdependent and indivisible. These are essential and necessary because in the absence of these rights material and moral upliftment of the people is impossible. These rights are universal and concerned with freedom, equality, justice and human dignity. For example, in 1993, India enacted a law that forbids the practice of carrying human excreta. This law is called the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013. Human rights are irrevocable and universal simply because they are enjoyed by a person simply because he is a human being. Universal human rights are often expressed and guaranteed by law, in the form of treaties, customary international law, general principles and other sources of international laws. International human rights law lays down

obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedom of individuals or groups.

On the other hand, human rights are never absolute – Man is a social animal and he lives in a civic society, which always puts certain restrictions on the enjoyment of his rights and freedoms. For example, freedom of expression is liable to a number of restrictions. Human rights are not static, they are dynamic and evolve with time. Human rights go on expanding with socio-eco-cultural and political developments within the State. Judges have to interpret laws in such ways as are in tune with the changed social values. For example the right to be cared for in sickness has now been extended to include free medical treatment in public hospitals under the Public Health Scheme, free medical examinations in schools, and the provision for barrier free environment in schools as well as universities and other public platforms. Human rights imply that every individual has legitimate claim upon his or her society for certain support and benefits. Human rights limit the state's power. These limitations may be in the form of negative restrictions. Besides, the powers of the State in violating the inalienable freedom of the individuals or in the nature of demands on the State, i.e. positive obligations of the State. Thus, human rights are based on humankind's increasing demands for a decent and civilized life in which the inherent dignity of each and every human being receives respect and protection.

Yet conflicting political traditions across the centuries have elaborated different visions of human rights rooted in past social struggles. Despite the universal reach and domain of the term, there are conflicting connotations of human rights. Micheline R. Ishay, in her book *The History of Human Rights*, cleverly blends various controversies

regarding human rights. The first controversy concerns the origin of human rights. She first corrects the mistaken modern secular notion that religion and human rights are antithetical. Indeed, what we now know as human rights have their unmistakable origin in the great religious traditions. She addresses the contribution of Buddhism, Hinduism, and Islam. Her second claim is all the more interesting as she writes that the European contribution to the notion of human rights has been the strongest of all of the world's civilizations. In this way, human rights is a western concept. It is believed that although non-western cultures have important ethical concepts, they have traditionally lacked the concept of human rights. The western liberal tradition often dwells upon the neglect of socialist contributions to human rights thinking. Her third claim is that notions of economic and social equality have been very significant in the development of modern human rights practice. The reaction and opposition to the pernicious effects of the Industrial Revolution were just as important as opposition to the ancient regime. The fourth claim is more prescriptive than descriptive. By way of an exploration of the role that nationalism has played in the acceptance of the right of self-determination, Ishay draws the very wise conclusion that while the pursuit of the rights of cultural groups can be a powerful force for good, these groups must observe certain standard universal principles. Autonomy should not be used as an excuse for internal repression. Despite setbacks, it is possible to speak of steady progress in human rights over the course of time, contrary to realist claims that power and security always trump values. Human rights themes, even when they fail in one era, survive in our minds and inform the next generation of activists. She makes the case for incorporating human rights as an integral part of security. Finally, she contemplates the viability of human rights in an era of

globalization. She sees both dangers and opportunities. One of the most damaging assertions about the idea of human rights is that the concept of human rights is a western construct. According to Upendra Baxi, human rights have been seen as “the gift of the West to the rest” (25). Many thinkers see human rights as the strategy of neo-colonialism to further the economic and political interests of the ‘first’ world countries. As Susan Koshy argues “Neo-colonial strategies of power are increasingly articulated ... through a new Universalist ethics of human rights, labour standards, environmental standards, and intellectual property rights.” (Koshy 1)

Prof. Panikkar, a human rights philosopher, also argues that the notion of human rights is a Western concept. He also argues that these human rights are very necessary for a decent life in the modern world. What he and other scholars believe is that these rights need to be adopted and adapted to different cultures. Because, the proponents of the cultural relativism highlights the temporal as well as the spatial parochialism of the notion of universal human rights. Human rights activists and NGOs emphasize that there is a need to learn from different cultures and draw lessons from the humanity of these cultures to deepen respect for (universal) human rights. Different cultures should be allowed to co-exist and their positive aspects must be respected by all. These organisations insist that those cultural practices which go against universally accepted human rights, including women's rights, must not be tolerated. The UN specialized agencies like UNESCO, ILO, WHO, FAO, UNICEF also have a great role in protecting the Human Rights.

## **Human Rights in Indian Context**

Just as the Babylonian Laws and the Assyrian laws in the Middle East, and the jurisprudence of Lao-Tze and Confucius in China, the "Dharma" of the Vedic period in India has championed human rights throughout the history of human civilization. For instance, the equality of all human beings is proclaimed by the *Vedic* literature and it fosters the sense of fraternity amongst them all. It also brings the idea of "Sarve Bhavantu Sukhinah" by reiterating the equal claims of the human beings on the basic amenities like food, water, air and shelter. The historical account of ancient Bharat proves beyond doubt that human rights were given prominence in Hindu and Islamic civilisations. The Epics like the *Arthashastra* (Kautilya) and *Sukranitisara* are the texts primarily underlining the place of human rights. He also disapproved of the theory of royal absolutism and subordinated the King to the law. He not only affirmed and elaborated the civil and legal rights first formulated by "Manu," but also added a number of economic rights. He categorically ordained that the King should also provide the orphan, the aged, the infirm, the afflicted and the helpless with maintenance. The seeds of human rights in Indian context sprout from the Buddhist doctrine of non-violence, non-hatred and friendliness. Jainism too contained similar doctrines. They believe that every creature has life and they are all similar in their sensitivity to pain and pleasure. In the Post-Vedic period, the rise of Buddhism and Jainism were certainly a reaction against the deterioration of the moral order as against the rights of the privileged class. Life was more human and liberal in the Post-Vedic era. Ashoka, the prophet Mohammed and Akabr cannot be excluded from the genealogy of human rights. Ashoka was the first ruler who developed a totally anti-war perspective. His anti-war statement is treated as one of the oldest and a very important

human rights document. Being, the champion of civil liberties, he allowed even the forest folk in his domain to enjoy security of life, peace of mind and dignified life at par with other people in the society. The European travellers who visited Ashoka's empire highly appreciated his zealous regard for rights and justice. Torture and inhuman treatment of prisoners were prohibited under his benign dispensation. The Mughal history of India, began with the adoption of the policy of 'Universal Reconciliation and Tolerance'. His justice-loving tradition was followed by his son Jahangir too. Unfortunately, this trend came to be reversed by Aurangzeb, though the Marathas and the Sikhs opposed and fought the fanaticism of Aurangzeb.

It is also a fact that because of social stratification and strong regimentation, a section of the people does not have access to 'social equality' which is considered to be the founding-stone of the notion of human rights. The foundations and genesis of the modern human rights movement in India may be traced to the colonial period. Under the British rule, human rights and democracy were suspect and socialism was an anathema. It was the dark period of Indian History. Lord Macaulay rejected the ancient Indian legal political system as 'dotages, brahminical superstition', and condemned ancient legal heritage and its inner core as an 'immense apparatus of cruel absurdities'. Lord Wellesley condemned the Indians as vulgar, ignorant, rude and stupid and Lord Cornwallis described that every native of Hindustan is corrupt. The English East India Company debarred Indians from high offices and deprived them of their political, social and economic rights. All these things created the impression of inalienable human rights in the Indian minds which were ignored, denied, and trampled by the English rulers. The ill



treatment and the harsh repressive measures of British rule in India encouraged resistance against them.

Lokmanya Tilak advocated for freedom as a birth right of Indians. Consequently, the Charter Act of 1813 and the Government of India Act, 1833 were passed to allow the Indians to enjoy some political rights. In India humanitarian ideas become popular from the beginning of the nineteenth century. The abolition of sati (1829), abolition of slavery (1843), introduction of widow remarriage by legislation (1856), and prohibition of child marriage (1929), the enactment of Indian Penal Code in 1860 and a series of prison and jail reforms by legislation and acts were based on reformist's tendencies. The proclamation of Queen Victoria on 1st November, 1858 contained some principles of state policy, which were similar to fundamental rights in nature. The concrete demand for fundamental rights came logically with the birth of the Indian National Congress in 1885. The Constitution of India, Bill 1895, known as the "Home Rule Document" paved the way for a constitution guaranteeing every citizen the basic human rights. Further, the Government of India Act, 1915, in pursuance of the demands for fundamental rights, guaranteed equality of opportunity in public services. A series of resolutions adopted by the National Congress between 1917 and 1919 repeated the demand for civil rights and equality of status with the English. In 1925, the Indian National Congress adopted a 'Declaration of Rights'. Its incorporation in any future constitutional framework was demanded by the Madras Session of the Congress held in the year 1927. A committee under Motilal Nehru was appointed by the National Congress to study the fundamental rights. It is interesting to note that the Constitution of the Republic of India, enacted in 1950, incorporated ten of the nineteen rights enumerated in the Motilal Nehru Committee

Report, 1928. It was the 'Sapru Committee' of 1945 that subsequently stressed the need for a written code of fundamental rights and the Constituent Assembly raised a forceful demand for the inclusion of human rights in the Constitution. The Indian Constitution was framed by the Constituent Assembly of India, which met for the first time on December 9, 1946. Ultimately, the Constitution of India gave primary importance to human rights and fundamental rights.

The makers of modern India like Mahatma Gandhi, Dr. B. R. Ambedkar, Jawaharlal Nehru and Maulana Abul Kalam Azad denounced the British rule for its utter disregard even to the basic human rights of the Indians. Therefore, Gandhi's call for an egalitarian society, Dr. Ambedkar's life-long struggle for the advancement of the down-trodden people, Nehru's vision of a socialist society or Azad's call for a secular face of the Indian society – all aimed at one particular objective: creation of society based on justice, equality and fraternity. But mere theoretical and philosophical pronouncements will not be sufficient in a complex Indian society. That is why, it is felt that there should be proper institutionalization and protection of such noble values relating to human dignity. To serve this purpose and to give these ideals a legal and constitutional sanction, the fundamental document of the country, i.e. the Constitution was drafted very carefully. In fact, the Constitution of India can be regarded as the finest piece of document which upholds the basic tenets of human rights, discussed so far. The Constitution of India, as the fundamental and supreme law of the land, guarantees human rights to all its citizens through specific provisions and impeccable scheme in Part III and IV. Despite all these constructive efforts, the operationalization of the human rights in the post-independence times became quite problematic due to the stark realities of running a democratic system

of government in a heterogeneous country. The height in this regard came during 1975-77 when the national emergency showed its inadequacy to maintain the human rights movement in the country to cope up with extreme situations. In this way, the human rights movement got the cognizable shape and its discernible contours became obvious only during the early twentieth century. It led a new vigour in terms of rise in the number of human rights bodies and expansion in the functional domain of these bodies. The sphere of the human rights movement no longer remained confined to the protection and promotion of civil and political rights of the people rather, it went on to encompass almost all spheres like economic and individual rights and collective rights. It left no area of human activity to ensure that the basic rights of the people can be infringed in any way and anywhere. In this context, Indian Judiciary is able to protect the human rights, Public Interest Litigation (PIL) stands for litigation in the interest of the public and its related human right violations. It emerged as a by-product of the influence of welfare ideology on the judiciary and introduced in the aftermath of the emergency in India. Apart from it, the governmental bodies like National Human Rights Commission (NHRC), State Human Rights Commissions, LGBT organisations, National Campaign on Dalit Human Rights, the National Commissions for Women, Minorities etc. served for the ostensible purpose of promoting and protecting the human rights of the targeted people in India. In the contemporary democratic states the role of media is very important, especially in protecting and promoting the human rights. Because, it can inculcate certain values in society like peace and non-violence, fraternity etc. and it can also invite the attention of the authorities by publishing the human rights violation stories. Recently many scams were brought into light by the media for example the Noida online scam by Anubhav

Mittal, Vyapam' scam in Madhya Pradesh, hazardous prison conditions, arbitrary arrest and detention, excessive use of Armed Forces (Special Powers) Acts, or AFSPA corruption and lack of transparency in government etc. The call of late Iranian spiritual leader, the Ayatollah Khomeini, to execute the author, Salman Rushdie who allegedly had been guilty of blasphemy against the prophet Mohammed is an example of sheer violations of freedom of speech. Apart from these violations, the growth of human rights movement in India also came from the various socio-religious reform movements like social reform movement in Maharashtra, launched by Jyotiba Phule under the auspices of *Satyasodhak Samaj* to seek the protection and promotion of the human rights of the people belonging to the oppressed castes. The other socio-religious reform movements are Arya Samaj of Swami Dayanand Saraswati, the Ramakrishana Mission of Swami Vivekananda and the Aligarh School founded by Syed Ahmad Khan. The other prominent movement launched by Sri Narayan Guru for *sanskritizing* the norms and customs of the Irava community in Travancore initiated in various parts of the south India. The organization emerges out of the People's Union for Civil liberties and the Democratic Rights (PUCLDR) founded by Jaya Prakash Narayan in 1976 is working for the protection and promotion of human rights. In spite of it the important environmental movements like the Silent Valley Movement, the Chipko Movement, Narmada Bachavo Andolan, Nirbhaya Movement, Jharkanthi organization against radiation and National Fish Workers Forum etc. are have significant role in promoting the third generation human rights in India. However, even after these substantive initiatives, the numerous instances of violations of the human rights against Dalits, tribal, women, children, and other minorities, expose the dysfunctionalities of these bodies. That is why there is much

more needs to be done to enrol the citizens to enjoy the dignity of human life in general. There is a notable insensitivity among Indians towards the issues concerning human rights. The educated citizenry of the country is expecting the government to be more sensitive and prompt in addressing the issues of human rights.

### **Human Rights and Literature**

Rights have become the most powerful idiom of our contemporary intellectual discourse and as an outcome many of the influential political theories developed in last one and half century. This right-centric world view has become the root cause of the major problems confronting our contemporary world where rights are widely regarded as the basis of law. There is considerable disagreement about what is precisely meant by the term 'rights' because it is used in manifold ways:

A right to life, a right to choose; a right to vote, to work, to strike; a right to one phone call, to dissolve parliament, to operate a forklift, to asylum, to equal treatment before the law, to feel proud of what one has done; a right to exist, to sentence an offender to death, to launch a nuclear first strike, to carry a concealed weapon, to a distinct genetic identity; a right to believe one's own eyes, to pronounce the couple husband and wife, to be left alone, to go to hell in one's own way. (Qtd.in Badaracco 54)

In this context, Human Rights are strong ethical pronouncements as to what should be done. After much deliberations on human rights, these can be interpreted as principles and a set of moral propriety to achieve a better world. The legal, sociological, psychological, philosophical and political discourses of human rights are quite advance. But there is need to study human rights within cultural domain, and the culture of human

rights emerges through the circulation of discourses of victimage, oppression and suffering in the form of autobiography, memoirs, media coverage, documentaries and other creative works.

In this way, the focus of this study is to establish the relationship between human rights and literature. The concept of human rights is as old as literature. Being about life, literature takes its sustenance from life and as such, it is an artistic manifestation revealing a profound aesthetic construct written for social cause bearing human significance. At one level, this artistic concern manifests itself through the exploration and postulation of human rights. In this process, literature not only engages itself with human right concepts and their vicarious possibilities, but also paves the way for interdisciplinary readings of these two interrelated disciplines. These seemingly distinct subjects inform each other at the level of theory, praxis and pedagogy. Literary works can, therefore, be seen as potent and rich resources to correlate and study the concepts of human rights as both literature and human rights become complementary to each other. Since the mid-twentieth century, the language of human rights has become the dominant tool in articulating claims against oppression or injustice. In the past three decades, human rights have provided a preferred language for statements about morality and claims about justice and injustice. This is so because of its universal nature. Costas Douzinas notes, “[human rights] can be adopted by the right and the left, the north and the south, the state and the pulpit, the minister and the rebel” (1).

The multidisciplinary attention to human rights in the humanities and social sciences today explores the exchanges between political, legal, and ethical discourses on human rights and cultural texts including literature, the visual and performing arts, film,

and popular culture. As Domna Staton opines, “connections between the humanities and human rights have existed historically and conceptually in the West through the mediation of humanism.” (34)

Today, we are living in a cosmopolitan world, which according to Appiah, is ‘universality plus difference’ with a postmodern recognition of the need for multiplicity and uncertainty among people and ideas. In the 21<sup>st</sup> century, the proliferation of novels have shifted their foci toward the real, the thing and presence and away from the sign, word and absence upon which earlier postmodern fiction fixated. Reality effects not by repressing the machinations of fiction as does traditional realism but by making them visible via metafiction. Inequalities have always existed in the world but in recent years globalization has further widened the gap among the people. From corporate abuses to domestic violence, from ethnic cleansing to genetic engineering, from nuclear war to psychological torture, from international courts to local school boards, from free speech to acts of terror, from outer space to the ecology of the earth, questions of human rights constitute much of contemporary discourse. Not a day passes without papers reporting violation of human rights. Therefore, human rights violation has become a worldwide phenomenon. In a country like India, which boasts of ‘unity in diversity’ violation of human rights is a common happening. Women, children, dalits, adivasis, minorities and other marginalised groups are discriminated for no fault of their own. It is true that many countries, including India have enacted legislations with the sole aim of putting an end to such violations. But quite sadly one does not find any decreasing tendency in the occurrence of human rights violation. The gravity of human rights violation, resulting from corrupt practices, is no less than that of custodial violence or any other form of

violation of civil, political, economic, social and cultural rights. Human rights violation is a rampant malady affecting the world and there is hardly any difference between developing countries and developed countries, as far as human rights violations are concerned. Even in the west, women are treated as second class citizens. Women in the Gulf countries are denied most of their rights. In spite of unparalleled scientific technological and material advances, the finer and delicate bonds of humanity have somehow been forgotten and the world appears to be going back to the primitive age where 'might is right' is a rule of law.

India is not an exception to human rights violation. In India, human rights violation takes place in the form of women right violation, caste based violation and other types of violations. Rape, assault, molestation, brutal killing, abduction and dowry deaths are very common forms of women rights violations. Women rights are generally violated in the form of denial of space and opportunities, sexual assaults and discrimination in different walks of life. Different forms of human rights violations against women include human trafficking, prostitution, insensitive response to physical, mental disabilities of women, rapes, cybercrimes and domestic violence. Due to stigma and the absence of adequate community-based support and mental health services, women and girls with psychosocial or intellectual disabilities in India continue to be locked up in overcrowded mental hospitals and residential institutions, without their consent. Human Rights Watch report revealed the range of abuses such women face in institutions and subsequently the National Commission for Women took up its first-ever study of the issue. Similarly, untouchability, ill-treatment, prohibition of temple entry, non-entry to public places and social ostracism are generally observed forms of violations against Dalits. A



2016 report on caste-based discrimination by the UN special rapporteur on minority issues noted that caste-affected groups continue to suffer exclusion and dehumanization. In January, the suicide of Rohith Vemula, a 25-year-old Dalit student drew renewed attention to entrenched caste-based discrimination in Indian society, and sparked nationwide protests by students and activists calling for reforms in higher education.

In this world of transition, with all the pluses and minuses of globalisation, we need a more eclectic, imaginative and inclusive approach to cooperation with the corporate sector. The research intends to pursue appropriate strategies to ensure that social responsibility in general, and human rights in particular, are firmly anchored in the corporate agenda. Human rights will remain central to many contemporary debates—from the global economy to the environment, gay marriage, human trafficking, and cultural and religious nationalism. As topics like these continue to engage researchers across the disciplines, scholarship will become more comparative in probing the historical, philosophical, rhetorical, and aesthetic contexts of human rights. Certain literary forms with particular focus on the genre of novel have been privileged in relation to construct human rights. For instance, the Bildungsroman is a mode of constituting legal personhoods and sentimental fiction is a means of extending humanity to others. As the genre of literature is universally fixated on the theme of law, it has the potential in some transcendent way to humanize the legal system as well. Understanding Indian English fiction through human rights perspectives will involve a critical dissection, a sociological and an analytical reading of the literary texts chosen for the purpose which would further highlight and problematize certain human rights concepts embedded in them. J. M. Coetzee rightly defines:

The fiction of dignity helps to define humanity and the status of humanity helps to define human rights. There is thus a real sense in which an affront to our dignity strikes at our rights. Yet when, outraged at such affront, we stand on our rights and demand redress, we would do well to remember how insubstantial the dignity is on which those rights are based. (Qtd in S. Anker 1)

In its problematization of human rights issues the present study would specifically focus on the literary representation of Dalits, transgender and the persons with disabilities in Indian Fiction in English and English translation. It is an attempt to justify that literary writing has a crucial role to play in disentangling what human rights discourse is and how it operates. This work will consequently give a chance to probe into a new dimension of the discussed issues in postulating a theory of human rights that can be applied in the study of literature.

Indian literature is one of the oldest literary representations that highlights the demography and culture of the country. It is interesting to note that Indian culture has never taken the individual and society as antagonistic to each other. The individual and society is viewed as two complementary and incomplete entities tied to a relationship of mutual obligation, a commitment which is essential to ensure the well-being of all. Those who acted as the guardians of society and worked out the delicate nuances and detailed network of the social order were neither concerned about, nor even conscious of, the concept of human rights. They were more commercial about the moral dimension of a human being's activities than the legal aspect. Therefore, much emphasis was placed on the understanding of society from a moral perspective which generally reflected the

Brahminical vision of an ideal Indian society. The analysis of literary texts suggests that certain values of Indian culture are contradictory to, and violative of, many articles in the Universal Declaration of Human rights. Yet there are many others which are similar to and supportive of many of the articles contained in the Declaration.

Because of the vast expanse and hundreds of languages prevailing in different regions of India, Indian literature is varied and vicarious in its approach. In the beginning, it comprised mainly verses written in the form of epics, ballads or poems. It was elitist not only in its presentation but in readership as the authors were patronized to write for the kings and princes and literacy was strictly possible among elites. But with the changing time, Indian literature in general and Indian novels in particular portrayed the lives of common men compressed between the good and the bad, 'dharma' and 'adharma', right and wrong, and rich and poor. Nineteenth century onwards, Indian novels generally depicted stories of subaltern groups with focus on class, caste and gender discrimination. These novels spoke about the grassroots, thereby highlighting the voices against colonial, feudal or social oppression. It was with the popularity of fiction depicting social reality that issues of human rights were analysed through the critical analysis of novels. Early examples of writings of social consciousness can be traced in Bankim Chandra Chattopadhyay, whose *Anandamath* is considered as the first Indian novel with proper thematic and stylistic dimensions. Other important names include, Devaki Nandan Khatri and Munshi Prem Chand in Hindi, Rabindra Nath Tagore and Sarat Chandra Chattopadhyay in Bengali, Kamla Markandaya, Raja Rao and Mulk Raj Anand in English followed by Dalit autobiographies in Marathi, Hindi and Tamil by writers like Sharan Kumar Limbale, Omparkash Valmiki and Bama.

Novel being the socio-cultural mirror of the society portrays the lives of human beings from various sections of the society, thereby bringing out the fundamental essence of human existence weighing against the negative forces that go against human rights. Keith Oatley, an Emeritus Professor of Cognitive Psychology at the University of Toronto says that “Fiction at its best isn’t just enjoyable. It measurably enhances our abilities to empathize with other people and connect with something larger than ourselves” (Qtd in Ward 9). It is interesting to note that the issues that the novels highlight are essentially issues of human rights. A novel speaks about the socio-cultural and political norms in which the protagonist struggles to survive through different phases of his life. In a challenging context, the protagonist is generally posed with the choice to win or perish, withhold the social and psychosomatic pressures against him or wins over these negative pressures depending upon the level of resilience that one possesses to counter the negativity to resort back the lost human rights. Literature, hence, not only brings forward interdisciplinary discourses to view the society but also critiques the socio-political, cultural norms and sometimes the human rights concepts in relation to specific circumstances and conditions of life. As a genre, Indian novel is a recent phenomenon because it emerged in the British era at the end of the nineteenth century when writers were writing to manifest the feeling of patriotism and national movement. It highlighted the issues of colonial times. In post-colonial perspective, Indian writing in English and Indian novel has passed through the stages of adoption, adaptation and now has become adept in representation, style and language, but the content it has reproduced is strictly Indian. Indian fiction plays a vital role in representing the historical culture of the country. Regional fiction or Indian Writing in English puts up a live picture of the

society in which people live at various nodes of time. Whatever goals the writings aim at, be it historical, anti-colonial, postcolonial, modern, post-modern, feminist etc. The common feature is the story of Indian man and woman glorified against all odds of life.

By representing the gravest possibilities in a complex Indian society, literature triumphs in reaching the dark ends of human life that hard-core human rights concepts fail to reach. It is quite interesting and advantageous to study the relationship between literature and human rights because it helps us to analyse the historical growth and development of literature through social protests and historical-social-political-cultural changes through the ages. The study compares and contrasts the essential characteristics of literary texts highlighting the points of views of the authors. It traces the evolution of positive or negative forces in the society, politics, and culture through the times; and analyses the cultural or neo-historical contexts that might have inspired the select writings. There is also a chance to understand the social role of literary imagination, and the relationship between the author and those opposing forces that perpetually threaten fundamental rights. Human rights inquiry continues to examine society and culture in general and artistic culture in particular. This is why, literary writings can be taken as documents to dis-cover the unwritten, hidden history behind the conventional history dealt in general. The texts become solid grounds to decipher the reality behind a tragic incident of violation and atrocities against the marginalized subject. They provide the marginal history a platform that can lacerate the civilized version framed by the oppressors, thereby unmasking the truth behind each oppressed member. As a result, literature facilitates a solid deconstruction of the represented elements. The discussion of human rights from a literary perspective requires a study of human beings and human

nature which has been a common subject of enquiry since ages. In such critical enquiries and researches, literature has been used as a tool to interpret and judge the various appalling, overlooked and misinterpreted customs plying in a socio-cultural set up through the changing times. In most of the cases, literature has generally been neo-historically and culturally studied for criticizing or deciphering society but human rights. It is observed that scholars of literature tend to overlook the role of law and rights in society when studying literature. The literary researches seem to be more inclined towards the idealistic vision of human society based on the idea of Universal Declaration of Human Rights. Human nature and thus human rights cannot be understood merely by logic or by reading the principle concepts embedded in the Declaration. Human rights maintain that we (human beings) are endowed with “reason and conscience” (UDHR Art.1), yet values are not based on reason. A great deal of what is an integral part of human nature and existence is unconscious emotional representation to ensure human well-being in general. Though human rights and humanities in the form of literature speak about the same referred human world, there is a thin line of difference between the two. Recent compelling work on human rights literary criticism has sought to understand how literature contributes to the way people imagine and envision human rights. Joseph R. Slaughter’s *Human Rights, Inc.: The World Novel, Narrative Form, and International Law* (2007) and Elizabeth Swanson Goldberg and Alexandra Schulthesis More’s edited volume, *Theoretical Perspectives on Human Rights and Literature* (2012) are two seminal works in this nascent but emerging field.

The late twentieth and early twenty-first centuries are widely known as the era of human rights where the sentiment of rights talk is quite prominent. The proliferation of

the norms and ideals associated with human rights, no doubt, represents a hallmark achievement of human civilization, across the borders. That is why, Michael Ignatieff deems human rights as ‘the lingua franca of global moral thought’ and Elie Wiesel calls them a ‘world-wide secular religion’. The global culture of human rights has, among countless advances, worked to combat the oppression of women, to consolidate international opposition to torture, genocide, and severe rights infringements, to minimize conditions of economic disenfranchisement, and to encourage socio-political rapprochement in the aftermath of rights abuses. Despite all, there persist many exclusions and impediments that prevent human rights from attaining universal reach. From a legal perspective, these exclusions and impediments are sometimes dismissed as unavoidable, a necessary by-product of the very structure of the nation-state. In view of the failures of human rights, it seems justified to say that human rights have “only paradoxes to offer,” and these paradoxes often appear even more fraught when approached from a postcolonial perspective. For example, in *The God of Small Things*, Arundhati Roy confronts an array of human rights abuses widespread in contemporary India. There are many other literary case studies which further demonstrate, comprehend and redress the failures of human rights. Aravind Adiga, in his novel, *The White Tiger*, redefines India and the concept of individuality because it is a paradox that in lack of identity, one can be everything or nothing. The protagonist who doesn’t have any name gets the name Balram Halwai and later on becomes the ‘White Tiger’. In this way, the novel empowers him to break out into a kind of individual self-realization. Similarly, U.R. Ananthamurthy’s *Samskara* is a novel of immense ironic potential. Later turned into a movie, it exposes the sham of caste system and its in-built rituals of hypocrisy and

injustice. It deals with the crisis that brews around the disposal of dead body of a disreputable man in a close-knit Brahmin village and the conduct of the last rites. Though he wasn't excommunicated for his blighted lifestyle, he finds no one willing to accord him dignity in death. Matters are made worse when, in a fit of despair, his concubine offers her gold jewellery to anyone who is humane enough to embrace the duty. Apart from it, Romesh Gunesequera's *Reef*, Arundhati Roy's *The God of Small Things*, Mahasweta Devi's *Outcast: Four Stories* and Bharti Mukherjee's *Miss New India*, Vikas Swarup's *Q & A* is a novel which later adapted into a movie *Slumdog Millionaire* domesticate the subaltern in Indian Novel in English. In her book *Fictions of Dignity: Embodying Human Rights in World Literature*, Elizabeth Anker observes that liberal human rights discourses and norms exhibit a profound ambivalence towards embodiment. Underwritten by the dual fictions of human dignity and bodily integrity, their discursive vision of the subject negates core dimensions of embodied experience. Anker unpacks a literary critique of the disembodied nature of the liberal subject of human rights through an analysis of the widely read postcolonial novels, including Salman Rushdie's *Midnight's Children* and Arundhati Roy's *The God of Small Things*. Likewise, the theme of Manjula Padmanabhan's play *Harvest* is the purchase and sale of human organs. It becomes a parable of what will happen when the rich of the first world would actually begin to devour bits and pieces of the third world poor. It also strikes the grim realities of life in 21st century where humans confront the issues like poverty, hunger, deprivation and helplessness. In the play, poverty, starvation, unemployment, food shortage and conflicts haunt the people. In order to ward off starvation, the protagonist Om Prakash joins a queue outside the 'Inter planta services'. This is a contract firm, a hi-



tech company, which chooses able-bodied candidates to donate their organs to western buyers who live in perpetual fear of old age, accidents or the faintest signs of bodily decay.

On the basis of such themes, Post-Independence Indian-fiction can be analysed in various categories like Diasporic Literature, Partition Literature, Tribal Literature, Marginal literature, North-East Literature, Women Literature, Dalit Literature, and New-Era Literature that emerged out of MNC culture. However, most of the categories fall under the broad term 'subaltern literature'.

Literature has a crucial role in understanding humanity and consequently the principles of moral propriety defined in human rights. In this case, the novel as a genre brings us closer to human rights. It is wonderful to understand the two distinct disciplines, literature and human rights, where human rights as a subject thrives to achieve is an ideal situation of brotherhood, peace and harmony in mankind and nations marked by love, unity, creation, justice and well-to-do-ness. Literature envisions human as an entity of flesh and blood, vulnerable to pain, pleasure, crime and benevolence. At the end, both disciplines thrive to reach a unanimous end which is characterized by human peace and understanding at both physical and psychological level for the good of mankind. A villain in literature is satirized, while a hero is glorified for his qualities, good deeds and praised for restoring 'good' against the 'bad' and an anti-hero is left with the realization of truth amidst bewilderment and social injustice. Human rights strive to establish the best in all, protest the wrong, the injustice done to people and show a path towards attaining human dignity and peace in life. But the ultimate goal of both the

disciplines is to realize the dignity of life and human existence. And it makes the two disciplines- human rights and literature complementary to each other.

Reading literature as the mirror of times gives an opportunity to the scholars for realizing literature as a product of society, written for social cause through aesthetic constructs of the authors who are themselves human and vulnerable to the laws and language of human rights. In this case, the legal side of human rights should be interrelated with literature as human rights facilitate literary and cultural discourses. This takes us to a new path to critique in the politics or the problematics of literature and human rights. Thus, reading literature from human rights perspectives serves as a valuable addition. Ian Ward, in his book *Literature and Human Rights*, says that for literature scholars, the engagement of legal texts has helped to enrich myriad areas of literary analysis and criticism. At the same time, it must be admitted that the evident benefits of such a cross disciplinary engagement have proved to be meaningful. Criminal lawyers, for example, appear to have embraced the possibilities offered by literature rather more enthusiastically than those whose intellectual attention is focused on international conventions which address commodity exchanges or secured transactions. If good novels on commodity exchanges are few and far between, poetic muses on secured transactions are still fewer and further. This is exactly what all fictions strive to attain, no matter what the theme or technique of a literary writing may be and this is why, there is a need for the literature to be approached from human rights perspective. But at the back of each interdisciplinary approach towards human rights and literature, law should not overwhelm the cultural mores of a society; rather it should have a balanced approach in understanding literature and vice-versa as both sentimental and legal dominion form a

part of human rights talk. Though we recognize and analyse the limitation of law and culture in solving out the problematics of human rights in a layman's life, we cannot pretend that literature or literary studies will serve as an absolute answer to the problem of human rights violations—or that it will come to rescue the law from lawyers, legislators, politicians, diplomats and the people in power who make and unmake human rights according to the contexts required.

To sum up, both these distinct subjects, human rights and literature, when brought together and studied in the light of each other grow more interrelated and prominent in expression and understanding. Studying human rights while considering literature as a manifesto of the society and times not only raises questions on its premises formulating it but also lends us a scope to see through its politics and problematics working both universally and locally. Again, studying literature through the eyes of human rights not only increases the poignancy of understanding the characters and their circumstances, but also underlines fantastic attainability of literary objectives in real lives. After all, stylistic devices and narrative techniques speak more than dry laws for human understanding. Meanwhile viewing human rights through literature poses a danger of over trusting the author's point of view and overlooking the underlying political implications of a text or context. This is also true for the human rights charters which are also influenced by some political thoughts. A scholar in this case is to look through the nuances of both the disciplines and reach to some just judgment. This work finds the two interdisciplinary cords running undercover in each text, thereby pointing the justness of the representation and enormity of understanding the concerns of human rights in literature.

There have been historical and ideological connections between literary forms and discourses of human rights. On the one hand, human rights have been celebrated for representing a shared vision for social justice while on the other hand these are criticized for charting a path towards imperial internationalism wherein the rhetoric of the civilizing mission of colonialism is sometimes reproduced in an age of military humanism and 'just' wars. Today, the discourse of human rights has expanded to include not just civil and political rights but also economic, social, cultural, and, most recently, collective rights. Given their broad scope, human rights issues are useful touchstones in the humanities classroom and benefit from an interdisciplinary and cross-cultural pedagogy in which objects of study are situated in historical, legal, philosophical, literary, and rhetorical contexts. *Teaching Human Rights in Literary and Cultural Studies* is a sourcebook of inventive approaches and best practices for teachers looking to make human rights the focus of their undergraduate and post-graduate courses. Hence, the relationship between Indian cultural values and the Universal Declaration of Human Rights is both conflicting and complementary at the same time. This will prove interesting as the work progresses as the major issues would be perceived in the light of dichotomy between human rights and Indian culture as represented in the novels under study. For example, the dictum of Indian culture dictates tolerance in human beings as a virtue in the Indian value system. Though strictly Brahminical in construct, it is embedded in the cultural ego of the country through religion. But tolerance is very much against the codes of human rights which are formulated for the assistance of the suffering lot. Again, Indian culture cherishes the freedom of movement, education, expression, cultural and religious rights in accordance with the human rights approach.

With the world wide acceptability of human rights, a consciousness for and an awareness of human rights has become central to human existence since 1950s. Consequently, a tradition/ culture of human rights and their sanctity have acquired literary-imaginative centre stage throughout the world. While human rights shape the creative credos of the creative writers, literature, in turn, critically/actively intervenes into this aspect of human existence in its various dimensions. Literature has always spoken about human rights through texts written against the formerly established hierarchies and later with post-colonial writings and studies. Literature has the ability to create a narrative out of a human rights struggle because it forces a character to confront unimaginable atrocities. The diversity and complicated nature of Indian society can only be grasped through the lens of literature. In the postcolonial literature, the critics and writers directed their efforts to restore the humanity of those who are dehumanized and are subjected to all humiliations and injustice. In this context, it is observed that although we experience the world as humanists but we do not theorize it in the same way.

The multidisciplinary attention to human rights in the humanities and social sciences today explores the exchanges between political, legal, and ethical discourses on human rights and cultural texts including literature, the visual and performing arts, film, and popular culture. Historians such as David Armitage have provided new understandings of the origins of human rights in transnational discourses of liberalism, Enlightenment, and natural law. Working on locations such as China, Hong Kong, and Iran, the political scientists show their concern for the value of human life. They show a concern for truth, and esteem the values of cooperation, common good, obligation, and justice-seeking among the members in a specific group. Universality is the basic moral

requirement to evaluate human rights standards. As UN Secretary General Kofi Annan, in Amnesty International Report 1998, said:

You do not need to explain the meaning of human rights to an Asian mother or an African father whose son or daughter has been tortured or killed. They understand it - tragically - far better than we ever will. What they need, and what we must offer, is a vision' of human rights that is foreign to no one and native to all. (9)

Human rights assumed an authoritative meaning and force of implementation through World Conference on Human Rights at Vienna in 1993. In fact, the Bangkok Meet of the NGOs on the eve of the Vienna Conference, and their Declaration on Human Rights in 1993, is usually considered to be the beginning of the Asian challenge. Different cultures should be allowed to co-exist and their positive aspects must be respected by all. As very good disciples of Buddha, Mahatma Jyothirao Phule and B.R. Ambedkar continued the spirit of Buddha and struggled for the rights of those people who are denied social justice in Indian society. As per the Right to Education Act, 2009, the children in the age group of 5-14 must get free and compulsory education but the government is still struggling to implement 25% reservation for disadvantaged sections in all schools. The film *Hindi Medium* (2017), directed by Saket Choudhry is a realistic representation of manipulative Indian society where the poor becomes poorer and rich get richer. The tendency to exclude the subaltern from the mainstream society on the basis of caste, religion, gender, class, age, sexual orientation, disabilities and literacy is still observed. According to law, every human being is entitled to live a dignified life but a significant chunk of population is still denied a dignified life and equal opportunities.

Recently, addressing the issues concerning the patients of mental illness, Upper House of Indian Parliament passed a new 'Mental Health Bill' in August, 2016. The law fails, however, to comply fully with the United Nations Convention on the Rights of Persons with Disabilities, including its provision that people with disabilities should enjoy legal capacity on an equal basis with others in all aspects of life. The failure to execute and implement the law suggests insensitivity and unwillingness of the government.

Similarly, the debates over Transgender and 'third gender and practical failure of the state to ensure equal rights to the sexual minority have attracted the attention of media and academia. Controversies and legal positions over section 377 of Indian Penal Code are yet to be settled. The colonial provision of section 377 of IPC which the court had upheld in 2013, criminalizes same-sex relations between adults. In a literary response to LGBT and transgender issues, Queer literature gives ample space to the voices of lesbians, gays, bisexuals and transgenders. The writings of A. Revathi, Laxmi Narayan Tripathi, Raj Rao, Ruth Vanita and Hoshang Merchant are quite popular among LGBT readers and researchers. Recently, the government introduced a new bill in parliament on the rights of transgender persons. The bill was flawed, however, by provisions that were inconsistent with the 2014 Supreme Court ruling that recognized 'transgender' individuals as 'third gender' and found them eligible for quotas in jobs and education.

In January 2016, the new Juvenile Justice Act came into force, permitting prosecution of 16- 17 year olds in adult court when charged with serious crimes such as rape and murder. The law was enacted despite strong opposition from child right activists and the National Commission for Protection of Child Rights. In July, the parliament approved a new law against child labour that bans all forms of employment of children

below age 14, with exception for children of all ages who work in family enterprises where such work does not interfere with their schooling. Social activists opposed the law saying that it left children from poor and marginalized communities open to exploitation in the absence of effective implementation of the right to education, emphasizing that most child labour occurs invisibly within families. The plots of Indian novels like *Untouchable*, *The God of Small Things*, *Joothan* and *The Outcaste* vividly portray the rampant instances of child right violations and thus, stand as fitting documents for studying the human rights concerns in them. In its analyses, this work delves deep in the working of the narratives in bringing forth the violation, causes and solutions (if any) given by the writers and thereby finds the politics and problematics lying underneath. Although human rights violations can and do take place in any sphere, through any medium, the discourse on human rights is articulated primarily through the state, the machinery that exists to protect them. Rights are meaningful in the context of a state that recognizes them, and education about human rights is an empowering process. One of the main goals of the United Nations is to promote and encourage respect for human rights at universal level because UDHR was premised on the principle of universality and non-discrimination.

While discussing human rights in terms of importance and having contentious nature adopting multidisciplinary approach, the study is based on intertextual analysis of literature. It is elaborative and comparative in nature. Theoretical framework of the present research is provided by the notions of human rights, globalization and the relation between the two. The tools of the research are the primary and secondary sources



including the texts, archival sources, books, print, e-resources, interviews, documentaries etc.

The multidisciplinary approach is very much applicable to the present research as it is very much close to the disciplines of sociology, law, literature and culture. With the myriad forms of human rights violation taking place in Indian society, Indian Fiction in English calls for an awareness of complexities in framing an interpretive paradigm through human rights perspectives. The present research is to approach some of the selected texts from various human rights perspectives to create a better understanding of the context of the victims of human rights violation, be it dalit, women, transgender or differently abled. This study gives primacy not to any theoretical/critical canon, but to the narratives closely read with all their distinctive subtleties. Through an analytical study, the present research intends to underline the human rights activism, which is not merely a rhetorical outpour or a political verbiage but social limelight. In its conclusion, this work compares and contrasts the novels and the authorial standpoints in problematizing the novels as successful human rights documents.

The research is divided into five chapters including 'Introduction' and 'Conclusion'. The introduction entitled as "**Introduction: Symbiosis of Human Rights and Literature:**" maps out historical and ideological conjunctions between literary forms and discourses of human rights. It defines and establishes the concept of human rights vis-à-vis literary representations.

The first chapter entitled "**Dalits: Bottom to Pyramid**" assess the socio-economic and political discrimination of untouchables and their journey of assertion from untouchable to Dalit. It deals with the word 'Dalit' as the symbol of change, and focuses on

problematics of dalit and non-dalit narratives and plight of dalit women and constitutional measures to improve the plight and their status from bottom to pyramid.

The second chapter entitled “**Beyond the Binary View of Transgender**” sketches out the ghetto living and celebration of transgender community through histrio-mythological background, focusing their economic, social, political exploitation leading them to begging, clapping, dancing and sex work at the high risk of HIV/AIDS. The research defines their visibility in context of newly gained status as ‘Third Gender’ with respect to landmark decision pronounced by the honourable Supreme Court on 15 April, 2014.

The third chapter “**Rethinking ‘Disability’ as a Discourse**” deliberates various disability issues with particular focus on social modal. It explores the validity of Butler’s claim that biological sex is just as culturally constructed as social gender. Further, the chapter emphasizes on the most peripheral topic in disability studies i.e. sexuality. In India, the sexuality concerns of people with disabilities are rarely acknowledged or have been unaddressed and, therefore, have not been considered an important area for study or research. Human rights concern the inherent dignity of all human beings and the promotion and protection of that dignity regardless of race, colour, gender, sexual orientation, religion, culture, nationality, birth, or other status. Third chapter is primarily aimed at analysing and examining the societal problems of differently-abled population.

At last, ‘**Conclusion**’ sums up the idea that present research is an attempt to develop sensitivity and basic understanding of Human Rights and their enforcement. The research brings to the fore emerging issues and debates concerning human rights with a specific purpose to promote tolerance, gender equality and harmonious coexistence among social, national, ethnic, religious and linguistic groups. It also refers to Gayatri Chakravorty

Spivak's theory of strategic essentialism, a strategy that nationalities, ethnic groups or minority groups can use to present themselves. While strong differences may exist between members of these groups, and amongst themselves they engage in continuous debates, it is sometimes advantageous for them to temporarily 'essentialize' themselves and bring forward their group identity in a simplified way to achieve certain goals.

In this way, the thesis examines the symbiosis of human rights and literature. It analyses select postcolonial texts to challenge the notion of human rights. It also critiques the concept of literary humanities because the reader may fulfil a humanitarian task by just reading a story of suffering which seems to be a lip service. Together, these chapters delineate that the potential of literature not only lies in staging humanitarian resolutions, but also in interrogating the frameworks that sustain inequality and represent the 'unrepresented'.

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