

# Reviving the ‘Forgotten Concept’ of Human Duties for Enforcement of Human Rights and Protection of Human Dignity: A Research Study with a Broader Lens and in Global Context

[<sup>1</sup>] Maitri Shail Patel

[<sup>1</sup>] 1<sup>st</sup> Year Ph.D. Student and Research Scholar, School of Doctoral Research and Innovation (SDRI), Gujarat Law Society University (GLSU), Ahmedabad, Gujarat, India  
Corresponding Author Email: [<sup>1</sup>] maitrishail@gmail.com

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*Abstract— Just like an intriguing, mysterious and a suspenseful movie or an open-ended, as well as a romantic story, the concept of human rights and human duties alongwith the recognition of the significance of human dignity has captivated the deep interest of almost every individual living in every corner of this vast world in some way or the other. Not only that, but whether an individual is professionally belongs to the legal field or not, he/she thoroughly understands the concepts of Human Rights, Human Duties, and Human Dignity and is also, well-aware of the national and international level affairs revolving around them. The most striking fact remains that even though, the concept of human rights and duties had originated in the ancient times when there used to be kingdoms all over the world and have undergone a long evolution over the period of centuries, still they haven't been able to be bound by a perfect, complete, and particularly a comprehensive definition. And even though, since the year 1948, when the United Nations General Assembly adopted the United Declaration of Human Rights (UDHR) on 10<sup>th</sup> of December, Human Rights and Human Duties have been recognized all over the world by the nations as they've been incorporated in their respective constitutions, these concepts still remain one of the most burning topics in the global context even in the current year 2024 – the Year of Artificial Intelligence Usage, Advancement in Technologies, and Digitalization at its peak. Human Rights have been either adopted explicitly in the form of separate legislations or implicitly incorporated into the constitutions by respective nations. But the age-old concept of Human Duties as well as Dignity have been forgotten, leading to the current situation of severe imbalance of justice, morals, and various other inter alia concepts. Rather than emphasizing the policy changes and further amendments in the existing constitutions as well as the laws and statutes, more attention needs to be given onto how the Executive Wings of the Governments all over the world are working on imposing and enforcing the human rights by motivating people to do their respective human duties and also, contribute significantly in the protection of human dignity. So, the root cause of all the major international concerns like Racial Discrimination, Xenophobia, and so on: Reviving the Forgotten Concept of Human Duties and Actively Work on Protection of Human Dignity. Therefore, this paper is the first step towards bringing the change at the grassroot level and then, proceeding efficiently at highest levels. This paper will be an in-depth study on how revival of as well as the emphasis on the forgotten concepts of human duties and human dignity can bring out highly effective changes and impacts on a global level beginning from understanding all the concepts in a focused manner and then, moving on towards bringing greater and global revolutionary changes.*

**Keywords – Human Rights, Human Duties, Dignity, Enforcement, Protection.**

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## I. INTRODUCTION: A DETAILED BACKGROUND STUDY

The concepts of Human Rights, Human Duties and Dignity are interconnected and deeply connected to each other as in forming a very crucial triangle covering the various aspects of a human life as the three sides joined by the three dots with the human and its anthropogenic aspects at its centre.

In today's times, as in with respect to the current year 2024, everyone all over the world are aware with all these very soulful concepts on which the various other legal as well as the constitutional rights are based as in forming the fundamental pillars of the main legal concepts termed as “rights”, “duties”, and “dignity” under the sub-branch of Jurisprudence under the branch of the subject called “Law”.

As a matter of fact, all these concepts have undergone a

long evolution alongwith the revolutionary changes over the period of time that can be traced back to centuries back to the ancient period of time when there used to be royal families reigning and ruling over the royal territories all over the world in their distinct ways as in a bit more autocratic manner, authoritarian manner, monarchical manner, or a bit democratic manner where the views, and opinions of the subjects as in the people used to be taken into account when they used to take a decision, and enforce them.

Several studies have been carried out in the same direction since the human rights were recognized all over the world with the adoption of the Universal Declaration of Human Rights (UDHR) by the United Nations (UN) General Assembly on 10<sup>th</sup> of December in the year 1948 marking the beginning of the international tradition of celebrating it as the International Human Rights Day all over the world.

Also, 192 countries have become signatories to the Declaration till date. So, one thing's clear that human rights, human duties, and dignity have been in pretty much in existence in several ways but at present, what needs to be done is to emphasize more on the human duties and dignity rather than concentrating only on the protection as well as the enforcement of human rights single-mindedly without considering other crucial aspects.

Also, for this, the root cause needs to be understood thoroughly through a more in-depth, unbiased, comprehensive and a holistic study and this paper is a first attempt towards it. This study will begin from understanding the history of the human rights, the story behind human duties, and human dignity and then, progress towards a more precise, and a comparative aspect at a global level along with the solutions that can be very useful for a much brighter future ahead.

## **II. HISTORY OF HUMAN RIGHTS: ORIGIN, EMERGENCE, AND EVOLUTION OVER A PERIOD OF CENTURIES (ALL ASPECTS IN A NUTSHELL)**

As the heading suggests, this segment of the paper is about historical background of human rights in terms of its origin, emergence, and evolution over a period of time as in centuries. But the study of historical background is incomplete without understanding the basic concept first, then, meaning, kinds, and then, pondering over the question whether human rights are legal rights or not, what are its sources, and then, getting deeper into the evolution of such rights.

Also, several other aspects will be discussed here so that all the readers can relate to the entire research paper and thoroughly understand the concepts of human rights, human duties, dignity, and their significance as well as the vitality in the real life. Again, it's always very important to create a strong base for a stronger infrastructure. Similarly, the careful curation of the historical aspect of the concepts is a very crucial and a significant step for the creation of a fundamental understanding in the minds of the non-legal background people as well as the legal professionals including the law students, judicial officers, advocates, solicitors, attorney generals and even the judges of the courts of law.

### **Concept of Human Rights<sup>1</sup>:**

International Law was solemnly concerned with the States in the classical period which was influenced by the theory of State Sovereignty. The view was based the thesis that only States create rules of International Law and as such rules are valid for them alone. Thus, no place left for the individuals, and therefore, they had no legal significance from the International Law point of view. Individuals were related to

one State through the bond of citizenship or nationality, and this stood in relation to other States in the role of aliens. If an injury was caused to an individual, it was the State (to which the Individual belonged) alone which owed the responsibility under International Law to another State. Even in those cases where individuals enjoyed certain rights and duties in conformity with, or according to International Law such as the rights enjoyed while on foreign territory by Heads of State, diplomatic envoys, and even private citizens – those individuals have not thereby become subjects of International Law. Rights in question were enjoyed by the individuals concerned not as rights in International Law but as rights derived from national law.<sup>2</sup>

Thus, as for both substance and procedure, States were the only subjects of International Law; other entities including individuals were mere objects. The dignity of individuals was largely a matter of State jurisdiction. However, the importance of the object/subject dichotomy appears to have been exaggerated. The fact is that there are no subjects or objects but they are all participants.

The transformation of the position of the individuals after the Second World War has been one of the most remarkable developments in contemporary International Law. In addition to the States, individuals are regarded as the real subjects and beneficiaries of International Law by virtue of having rights and duties flowing directly from International Law. While a few rules are directly concerned with regulating the position and activities of individuals, a few others indirectly affect them.<sup>3</sup>

However, as long as the international community is composed of States, it is only through the exercise of their will alone rights and duties are conferred to them. They may agree to confer particular rights on individuals which will be enforceable under International Law, independently of municipal law. For instances, nations of the Allied and Associated Powers were empowered to bring cases against Germany before the Mixed Arbitral Tribunal in their own names for compensation in accordance with Article 304 (b) of the Treaty of Versailles of 1919. Further, Treaty of 1907 between five Central American States establishing the Central American Court of Justice provided for individuals to bring cases directly before the Court. Human rights is one of such rights which has been conferred to the individuals by the States in the modern International Law.

### **Meaning of Human Rights<sup>4</sup>:**

Human beings are rational beings. They, by virtue of being human possess certain basic and inalienable rights which are commonly known as human rights. Since these rights belong

<sup>1</sup> Dr. H.O. Agrawal, International Law and Human Rights, Twenty-first Edition (2016), Published by Central Law Publications (India), p.754

<sup>2</sup> Oppenheim's, 'International Law', Vol. I., Ninth Edition (1992), edited by Sir Robert Jennings and Sir Arthur Watts, p.847.

<sup>3</sup> Oppenheim's, 'International Law', Vol. I., Ninth Edition (1992), edited by Sir Robert Jennings and Sir Arthur Watts, p.846.

<sup>4</sup> Dr. H.O. Agrawal, International Law and Human Rights, Twenty-first Edition (2016), Published by Central Law Publications (India), p.755

to them because of their very existence, they become operative with their birth. Human Rights, being the birth right, are, therefore, inherent in all the individuals irrespective of their caste, creed, religion, gender, and nationality. These rights are essential for all the individuals as they are consonant with their freedom and dignity and are conducive to physical, moral, social, and spiritual welfare. They are also necessary as they provide suitable conditions for the material and moral uplift of the people. Because of their immense significance to human beings; human rights are also referred to as **fundamental rights, basic rights, inherent rights, natural rights, and birth rights**.

Presently, the vast majority of legal scholars and philosophers agree that every human being is entitled to some basic rights. Thus, there is universal acceptance of human rights in principle in domestic and international plane. Human Rights is a generic term and it embraces civil rights, civil liberties, and social, economic, and cultural rights. It is therefore difficult to give a precise definition of the term human rights. However, it can be said that the rights that all people have by virtue of being human are human rights. These are the rights which no one can be deprived without a grave affront to justice. There are certain invaded, something which are supremely sacred.<sup>5</sup>

It is so because they may affect the **human dignity**. Thus, the idea of human rights is bound up with the idea of human dignity. Chief Justice of India, J.S. Verma has rightly stated that 'human dignity is the quintessence of human rights.'<sup>6</sup> All those rights which are essential for the protection and maintenance of dignity of individuals and create conditions in which every human being can develop his/her personality to the fullest extent may be termed human rights.<sup>7</sup>

However, dignity has never been precisely defined on the basis of consensus, but it accords roughly with justice and good society.<sup>8</sup> The World Conference on Human Rights held in 1993 in Vienna stated in the Declaration that all human rights derive from the dignity and worth inherent in rights and fundamental freedoms. D.D. Basu defines human rights as those minimum rights which every individual must have against the State or other public authority by virtue of his being a member of human family, irrespective of any other consideration.<sup>9</sup>

Human Rights are, therefore, those rights which belong to an individual as a consequence of being human as a means to

human dignity. These are the rights which all humans everywhere at all times ought to have, something of which no one may be deprived without a grave affront to justice.<sup>10</sup> They are based on elementary human needs as imperatives. Some of these human needs are elemental for sheer physical survival and health. Others are elemental for physic & psychic survival and health. Thus, human rights can be perceived and enumerated. These rights are associated with the traditional concept of natural law.

Rights being immunities denote that there is a guarantee that certain things cannot or ought to not be done to a person against his will. According to this concept, human beings, by virtue of their humanity, ought to be protected against unjust and degrading treatment. In other words, human rights are exemptions from the operation of arbitrary power. An individual can seek human rights only in an organized community, i.e., a State, or in other words, where the civil social order exists. No one can imagine to invoke them in a state of anarchy where there is hardly any just power to which a citizen can appeal against the violations of rights. Thus, the principle of the protection of human rights is derived from the concept of man as a person and his relationship with an organized society which cannot be separated from universal nature.

Human Rights being essential for all-round development of the personality of the individuals in the society be necessarily protected and be made available to all the individuals. They must be preserved, cherished, and defended if peace and prosperity are to be achieved. Human Rights are the very essence of a meaningful life and to maintain human dignity is the ultimate purpose of the government. The need for the protection has arisen because of the inevitable increase in the control over men's action by the governments which by no means can be regarded as desirable. The consciousness on the part of the human beings as to their rights has also necessitated the protection by the States. It has been realized that the functions of the laws whether they are the rules of municipal law or that of international law should be to protect them in the interest of the humanity.

One of the achievements of the contemporary international law is to recognize human dignity and honour. The individual has come of age in International Law. It has been also realized that the international protection of the individual against the State should no longer be entrusted to the State as his guardian *littem*. This is clearly reflected from a number of conventions of varying scope which have been adopted under the auspices of the United Nations Organization in the last more than fifty-eight years or so. A number of declarations adopted by the United Nations and its specialized agencies also go to prove that their members have pledged themselves to achieve the promotion of universal respect for and observance of human rights and fundamental freedoms.

<sup>5</sup> Maurice Cranston quoted in L.J. Macfarlane, 'The Theory and Practice of Human Rights' (1985) p.7.

<sup>6</sup> 'The New Universe of Human Rights', p.3 and from the Book of Human Rights by H.D. Pithawalla in Jhabvala Publication of Law Book for LL.B.

<sup>7</sup> Observations of Justice P.N. Bhagwati in *Maneka Gandhi v. Union of India*, A.I.R. 1978 Supreme Court, p.597 at p.619

<sup>8</sup> David P. Forsythe, 'The Internationalization of Human Rights', p.1.

<sup>9</sup> "Human Rights in Constitutional Law", (1994), p.5. According to Bennett, "Human Rights include those areas of individual or group freedom that are immune from governmental interference or that, because of their basic contribution to human dignity or welfare, are subject to governmental guarantee, protection, or promotion" (International Organizations, Third Edition p.258).

<sup>10</sup> Maurice Cranston, What are Human Rights? p.36.

States themselves are conscious of the rights of the human beings. They, in order to protect the rights, have made regional arrangements by making conventions. On national level too, they have taken measures to protect the rights of the individuals by incorporating the provisions relating to them in their constitutions. Non-governmental organizations on national, regional, and international level are also devoted in bringing the cases of violations of human rights in lime light and finding out ways and means to prevent their occurrence.

Presently, there is a widespread acceptance of the importance of human rights in the international structure. However, one will not hesitate to admit that there is a confusion prevailing as to its precise nature and scope and the mode of International Law as to the protection of these rights.

#### **Kinds of Human Rights<sup>11</sup>:**

Human Rights are indivisible and interdependent, and therefore, precisely there cannot be different kinds of human rights. All human rights are equal in importance and are inherent in human beings. The Universal Declaration of Human Rights (UDHR) therefore, did not categorize the different kinds of human rights. It simply enumerated them in different articles. However, the subsequent developments made it clear that human rights are of two kinds, viz.: (1) Civil and Political Rights, and (2) Economic, Social, and Cultural Rights.

#### **Is Human Right a Legal Right?<sup>12</sup>**

A question arises as to whether human rights are legal rights? It may be noted that legal rights are those rights which are recognized and protected by the legal system. Legal Rights have two important essential elements *i.e.*, firstly, the holder of the right, and secondly, the person bound by the duty. Only legal persons can be bound by duties or be the holder of the legal rights. Every right therefore, involves a relationship between two or more legal persons. Rights and duties are correlative, that is, a person cannot have a right without a corresponding duty. Human Rights belong to human beings and the State has the corresponding duty to protect the rights of human beings. Declaration of Human Rights Defenders adopted by the General Assembly on December 9, 1998 laid down under Article 2 Para 1 that each State has the prime responsibility and duty to protect, promote, and implement all human rights by adopting necessary measures. Para 2 of the above Article states that each State shall adopt necessary measures. Para 2 of the above Article states that each State shall adopt necessary legislative, administrative, and other steps to ensure that the right to protect human rights is effectively guaranteed. Further, International Covenant on Civil and Political Rights

(ICCPR) and International Covenant on Economic, Social, and Cultural Rights (ICESCR) adopted in 1996 stipulated in the Preamble as to the obligation of States to promote universal respect for and observance of human rights and freedoms. The above implies that human right is a legal right. While human beings have rights, the State has a corresponding duty to protect the rights.

#### **Sources of International Human Rights<sup>13</sup>:**

International Human Rights Law has been developing extensively since the creation of the United Nations. The most fundamental point about human rights law is that it establishes a set of rules for all the people of all the States. International Human Rights Law derives from the variety of sources which are as follows: -

(1) International Treaties; (2) International Custom; (3) Official Documentations; (4) Judicial Decisions; and (5) Other International Instruments.

#### **Evolution of the Concept of Human Rights:<sup>14</sup>**

During the ancient era of time, there were no human rights<sup>15</sup>, even though the humans have been in the existence for about billions or trillions of years since the creation of such conducive environment favourable for the existence of humans to breathe and satisfy their osmotic needs by water from various sources like rivers, ponds, waterfall, springs, and so on, formed as a result of biogeochemical changes as per the famous Big Bang Theory.

The idea of human rights in the wake of World War II (1939-1945), resulting finally in the first ever official document on human rights called the Universal Declaration of Human Rights (UDHR) containing the 30 Human Rights to which all the people are universally entitled by virtue of being humans by birth.<sup>16</sup>

But, however, the real question is: **When did the Human Rights actually come into existence? Actually, how did everything begin?** Well, there's an interesting, descriptive, and a deep answer to it that has shown how the human rights have evolved over a period of time from centuries to centuries and in various timelines.

The roots for the protection of the rights of man may be traced as far back as in the Babylonian laws. Babylonian King Hammurabi issued a set of laws to his people which is called Hammurabi's Codes, established fair wages, offered protection of property and required charges to be proven at trial.<sup>17</sup> The Codes, while often harsh in their punishments,

<sup>13</sup> Ibid., p.759-761.

<sup>14</sup> Dr. H.O. Agrawal, Book on 'International Law and Human Rights', Twenty-first Edition (2016), Published by Central Law Publications (India), p.761 – 763.

<sup>15</sup> Professor Dr. Rachana Raval's Class PPT on 'History of Human Rights' (2020), Slide No.5, Retrieved from Laptop saves on 22<sup>nd</sup> November, 2024.

<sup>16</sup> Ibid.

<sup>17</sup> Dr. H.O. Agrawal, Book on 'International Law and Human Rights', Twenty-first Edition (2016), Published by Central Law Publications (India), p.761.

<sup>11</sup> Dr. H.O. Agrawal, Book on 'International Law and Human Rights', Twenty-first Edition (2016), Published by Central Law Publications (India), p.757.

<sup>12</sup> Dr. H.O. Agrawal, Book on 'International Law and Human Rights', Twenty-first Edition (2016), Published by Central Law Publications (India), p.759.

provided standards by which Babylonians could order their lives and treat one another. Assyrian Laws, Hittiti Laws, and the Dharm of the Vedic Period in India also devised different sets of standards by which obligation of one was provided to another.<sup>18</sup>

From Babylon, the idea of human rights spread quickly to India, Greece, eventually Rome and all over the world in the form of waves.<sup>19</sup> The World's all major religions have a humanist perspective that supports human rights despite the differences in the contents.<sup>20</sup> Further, the human rights are also rooted in ancient thought and in the philosophical concepts of 'natural law' and 'natural rights.' Also, a few Greek and Roman philosophers recognized the idea of natural rights. Plato (427-348 B.C.) was one of the earliest writers to advocate a universal standard of ethical conduct. Also, further, according to Roman jurist Ulpian, natural law was that which nature and the State assured to all human beings. He stated that according to law of nature, all men are equal, and by the same law, all are born free. This meant that foreigners were required to be dealt in the same way as one deals with one's compatriots. It also implied conducting of wars in a civilized fashion and the idea of universal truth that all must be recognized. People were to work for the common good. Further, Aristotle (384-322 B.C.) wrote in politics that justice, virtue, and the rights change in accordance with different kinds of constitutions and circumstances. Then, Cicero (106-43 B.C.), a Roman statesman laid down the foundations of natural law and human rights in his work. He believed that there should be universal human rights laws that would transcend customary and civil laws. Further, progressing ahead, Sophocles (495-406 B.C.) was one of the first to promote the idea of freedom of expression against the State. Further, Stoics employed the ethical concept of natural law to refer to a higher order of law that corresponded to nature and which was to serve as a standard for the laws of civil society and government.<sup>21</sup>

There are a few missing links in the history of human rights that need to be re-iterated and emphasized here to let everyone know in detail as the past and its in-depth study established a link with the present. It's been unknown to the most of the people talking about human rights and duties every now and then that it was in 539 B.C.<sup>22</sup>, the armies of

**Cyrus the Great, First ever King of the Ancient Kingdom of Persia**, conquered the city of Babylon when actually the human rights were recognized in an implicit way. It was his immediate actions after his glorious conquer that marked a major advancement towards the human existence. He freed the slaves, declared that all people had the right to choose their own religion, and established racial equality. These and other such decrees were recorded on a baked clay cylinder in the Akkadian language with Cuneiform Script. Known today as **the Cyrus Cylinder**, this ancient record has now, been recognized as **'the world's first charter of human rights.'** It has been translated into all 6 Official Languages of the United Nations and its provisions being absolutely parallel to the first four Articles of the Universal Declaration of Human Rights (UDHR).

Moving on further in the history, later, Christianity, especially, St. Thomas Aquinas (1225-1274) rooted this 'natural law' in a divine law which was revealed to man in part discoverable by man through his God-given right reason.<sup>23</sup>

Further, the city-State of Greece gave equal freedom of speech, equality before law, right to vote, right to be elected to public office, right to trade, and the right of access to justice to their citizens. Similar rights were secured to the Romans by the *jus civile* of the Roman Law. Thus, the origins of the concept of human rights are usual agreed philosophy founded in Greco-Roman natural law doctrines of Stoicism (the school of philosophy founded by Zeno and Citium) which held that a universal force pervades all creation and that human conduct should therefore, be judged according to the law of nature.<sup>24</sup>

The Magna Carta (also called Magna charta)<sup>25</sup> or the Great Charter of the Liberties of England granted by King John of England to the English baron on June 15, 1215 was in response to the heavy taxation burden created by the third Crusade and the ransom of Richard I, captured by the holy Emperor Henry VI.<sup>26</sup> The English barons protested the heavy taxes and were unwilling to let King John rule again without some concessions in their rights. The overreaching theme of Magna Carta was protection against arbitrary acts by the King. Land and property could no longer be seized, judges had to know and respect laws, taxes could not be imposed without common council, there could be no imprisonment without a trial and merchants were granted the right to travel

<sup>18</sup> See Laws promulgated in the reigns of Urukagina of Lagash (3260 B.C.), Sargon of Akkad (2300 B.C.), and Hammurabi of Babylon (1750 B.C.). Cited in Inaugural Address of Justice P.N. Bhagwati, Supreme Court of India in the Seminar on 'Human Rights' organized by International Law Association, Allahabad Centre (1980), p.7.

<sup>19</sup> Professor Dr. Rachana Raval's Class PPT on 'History of Human Rights' (2020), Slide No.10, Retrieved from Laptop saves on 22<sup>nd</sup> November, 2024.

<sup>20</sup> Dr. H.O. Agrawal, Book on 'International Law and Human Rights', Twenty-first Edition (2016), Published by Central Law Publications (India), p.761.

<sup>21</sup> Dr. H.O. Agrawal, Book on 'International Law and Human Rights', Twenty-first Edition (2016), Published by Central Law Publications (India), p.761.

<sup>22</sup> Professor Dr. Rachana Raval's Class PPT on 'History of Human Rights' (2020), Slide No.7 on 'Cyrus Cylinder', Retrieved from Laptop saves on

22<sup>nd</sup> November, 2024, originally taken from: <http://www.humanrights.com/what-are-human-rights/brief-history/cyrus-cylinder.html> - retrieved on Friday, 22<sup>nd</sup> November, 2024.

<sup>23</sup> See Henle, S.J., 'A Catholic View of Human Rights: A Thomistic Reflection' in Alan S. Rosenbaum, "The Philosophy of Human Rights, International Perspectives' (1980).

<sup>24</sup> Dr. H.O. Agrawal, Book on 'International Law and Human Rights', Twenty-first Edition (2016), Published by Central Law Publications (India), p.762.

<sup>25</sup> The original Carta was in Latin which consisted 70 clauses.

<sup>26</sup> Dr. H.O. Agrawal, Book on 'International Law and Human Rights', Twenty-first Edition (2016), Published by Central Law Publications (India), p.762.

freely within England and outside. The Magna Carta also introduced the concept of jury trial in clause 39, which protects against arbitrary arrest and imprisonment. Thus, the Carta set forth the principle that the power of the King was not absolute. In 1216-1217, during the reign of John's son, Henry III, the Magna Carta was confirmed by Parliament, and in 1297, Edward-I confirmed it in a modified form. Although the Charter applied to a privileged elite, gradually the concept was broadened to include all Englishmen in the Bill of Rights in 1689<sup>27</sup> and eventually all citizens. The Carta was buttressed in 1628 by the Petition of Rights, which asserted the rights of the citizens to be free from unrepresentative taxation and arbitrary imprisonment. The Bill of Rights of 1689 formed the platform for parliamentary superiority over the Crown and to give documentary authority for the rule of laws in England. In addition to the above, the writings of St. Thomas Aquinas and Grotius also reflected the view that human beings are endowed with certain eternal and inalienable rights.

The expression 'fundamental rights of man' was stated in the declaration and constitutional instruments of many other States.<sup>28</sup> For instance, the Declaration of Independence of the Thirteen United States of America in 1776 (the Virginia Declaration, 1776); the Constitution of the United States of 1787 with amendments in 1789, 1865, 1869, and 1919 specified a number of rights of man. The Virginia Declaration of Rights affirmed that all men are by nature equally free and independent and have certain inherent rights. The French Declaration of the Rights of Man and the Citizen of 1789 stipulated that men are born and remain free and equal in rights... the purpose of all political association conservation of the natural and inalienable rights of man: these rights are liberty, property, security, and resistance to oppression. The French Declaration led other European countries to include the provisions in their laws for the protection of human rights.<sup>29</sup> Since the beginning of the nineteenth century it was recognized in the Constitutional Law of many States that human beings possess certain rights worth of the human personality began to be realized. Thus, the term human rights came somewhat late in the vocabulary of mankind. It was first used by Thomas Paine in the English translation of the French Declaration of the Rights of Man and Citizen. It is a twentieth century name for what has been traditionally known as 'natural rights' or 'the rights of man'. The term natural law was replaced because the concept of natural law had become a matter of great controversy and the

phrase 'the rights of man' was found unsuitable as it was not universally understood to include the rights of women. So, women's rights were recognized much later than that.

### **III. CONCEPT OF HUMAN DUTIES: A MYTH OR A FORGOTTEN REALITY?**

Human Duties, etymologically mean the duties every human has to perform by virtue of being born as a human. Also, it's an inseparable concept that had been pronounced and written along with the internationally as well as globally famous term "Human Rights". But unfortunately, as the human rights evolved over a period of centuries and various timelines as mentioned previously herein the research study at length, the concept of human duties got long forgotten along the way.

Human Duties just stayed as a term used along with human rights but it's been wiped out of the souls, minds, and hearts of people all over the world. Even though, human duties have been adopted into the constitutions all over the world like India, where the Part IV A is about "Fundamental Duties", but absolutely no compliance of human duties in India as most of the people always think about human rights but always tend to evade their responsibilities, i.e., the human duties as a citizen of India, a son/daughter, and other multiple roles to be played at every moment of life every day.

Even at a global level, people have already forgotten their human duties and are busy with protests and movements for selfishly enjoying their human rights without even remembering that rights are correlative of duties making those duties as responsibilities which can never be ignored or evaded in anyway. Those who get to enjoy the rights are inevitably bound to be responsible and dutiful.

Therefore, this question has become very important to be asked out now: Human Duties are a Myth or a Forgotten Reality? It's because apart from having governments, legislation, democracy, and sovereignty, the need of the hour at present on a global level is about making people realize from their minds, hearts, souls and conscience the significance of being dutiful as in appealing their inner humanity to be active in contributing to making the entire world a more pleasant place to lead a human life where everyone will be able to enjoy their human rights as their primary human duty by virtue of being born as human on earth.

Even though, human duties might be long forgotten but they are a forever reality as human rights can never thrive on their own if humans aren't vigilant, sensible and sensitized enough to realize their duties as a human towards other humans like not being negligible in their duties (as in negligence and contributory negligence in the law of torts) and always being aware about performing their duties in maintaining peace (as in nuisance talked in law of torts) and so on. In some way or the other, the human duties are already present explicitly or implicitly. What needs to be done to

<sup>27</sup> The Bill of Rights was officially entitled as an Act of Declaring the Rights and Liberties of the Subject and for setting the Succession of the Crown. It was enacted by Charles-II on the occasion of the accession of William of Orange and Mary Stuart to the throne of England.

<sup>28</sup> Dr. H.O. Agrawal, Book on 'International Law and Human Rights', Twenty-first Edition (2016), Published by Central Law Publications (India), p.762.

<sup>29</sup> Sweden in 1809, Spain in 1812, Norway in 1814, Belgium in 1831, Denmark in 1849, Prussia in 1850, Switzerland in 1874, and Italy in 1848 made a provision for the fundamental rights of man.

strengthen the concept of human duties:

- (i) Is to bring change in the way parents are nowadays upbringing the children materialistically rather than focusing on their character development, moral, value-based as well as ethical education rather than bookish education only.
- (ii) Is the promotion of the idea of holistic development;
- (iii) Is appealing deep to their psychological factor as in their minds, hearts, souls, conscience, and humanity;
- (iv) Is to educate the people of all generations about the anciently rich scriptures and literatures of Vedic Period like the four main Vedas – Rigveda, Yajurveda, Samaveda, and Atharvaveda, Vedangas, Upanishads, Shastras, Epics like Ramayana and Mahabharata alongwith Professional and Vocational Education imparted by various kinds of educational institutions nowadays;
- (v) To encourage people to have their passion and hobbies alongwith their formal professional and vocational qualification;
- (vi) Is to retain a balanced approach of leading life;
- (vii) Is to revive the old times when people used to read more and live offline, real lives rather than spending excessive time on various screens;
- (viii) Is about bringing a balance between virtual platform usage and living a real life all along; and
- (ix) Most importantly, there is a need to work on improving the intelligence quotient all over as unless the people are willing to change themselves from within, there'd be no meaning of having separate and explicit legislations imposing human duties because it is about the way of approaching the rights, thinking, and a socio-psychological aspect in the universal nature all along.

So, now, it's very essentially vital and crucial to spread the message globally very loud and clear that: "Human Duties actually is a pre-requisite for the enforcement, conservation and protection of Human Rights. If Human Rights are essential for survival, then, human duties are the very soul of those rights itself as in without the realization of human duties, there's no meaning of having human rights as rights and duties are correlatives of each other – interlinked, inseparable and truly vital as well as crucial.

#### **IV. THE UNTOLD STORY BEHIND THE HUMAN DUTIES: MISSING INTERCONNECTION AND INTERLINKAGES THAT NEED TO BE REVIVED AND EMPHASISED MORE ALL OVER THE WORLD**

It's globally known that Sanskrit is the Mother of All the Languages existing in this huge world divided into 7 continents and divided into 195 countries broadly and then, subdivided into small states, zones, areas, regions, villages, towns, cities, and so on. Similarly, it's also known how humans have evolved since their very existence as monkeys first. But what has stayed hidden is the short untold story

about how human duties have come to exist even though they've become long forgotten with time.

So, this story lies in the Vedic Period of India when foreigners used to travel to India to study in the famous universities of Takshshila, Nalanda, Vikramshila, Odantapuri, Vallabhi, Mithila, Nadia, Nabadweep and other ancient higher education institutions in various academic subjects like Mathematics, Economics, Medicine, Commerce, and non-academic subjects like Tantra, Archery, War Skills, Defence Strategies, and other important life skills like surviving in a jungle or any adversary of life and the list can go on.

So, the ultimate aim of Vedic Education was the Spiritual one of attaining "**moksh**" meaning salvation and the learning system emphasized on gaining knowledge, character development, and holistic development. The concepts that were famous in that timeline were "**Karma**" meaning deeds or actions and "**Dharma**" meaning responsibilities, duties or emphasis on being responsible or dutiful in every aspect.

Dharma was taught under various books called **Dharmashastras** in Vedic period in a wide spectrum that can be listed briefly as below:

- (1) **Putra/Putri Dharma** – Roles, Responsibilities and Duties by virtue of being a Son (Putra) or Daughter (Putri)
- (2) **Matru Dharma** – Roles, Responsibilities, and Duties by virtue of being a Mother
- (3) **Pitru Dharma** – Roles, Responsibilities, and Duties by virtue of being a Father
- (4) **Mitrata Dharma** – Roles, Responsibilities, and Duties by virtue of being a Friend or by virtue of Friendship.
- (5) **Raj Dharma** – Roles, Responsibilities, and Duties by virtue of being a Royalty, a Ruler as in a King/Queen, Emperor/Empress, and Prince/Princess.
- (6) **Patni Dharma** – Roles, Responsibilities, and Duties by virtues of being a Wife.
- (7) **Pati Dharma** – Roles, Responsibilities, and Duties by virtues of being a Husband.
- (8) **Ahimsa Dharma** – Roles, Responsibilities, and Duties by virtues of being a true human with a kind heart and a clean soul which is about being non-violent to other creatures as in refraining from sinful and cruel activities like hunting animals and birds, waging a war, indulging into genocide and other forms of mass destruction.
- (9) **Maanavta Dharma** – Roles, Responsibilities, and Duties by virtues of being a true human who has a kind heart, clean soul and a broad-minded person having 32 virtues including kindness, benevolence, humility, empathy, sensibility, emotional intelligence, bravery, confidence, devotion, discipline, to name a few out of total number of virtues forming **humanity** and never ever runs away from his / her duties or responsibilities ever despite how much the situations escalate to become worse than ever.

As the education modernized, the very effectiveness and efficiency of keeping spirituality and humanity intact

alongwith the knowledge also diminished. So, as mentioned in Bhagwad Gita by God Krishna himself: “Karma is the driving force determining the course of a person’s destiny and the flow of life. More a person stays true to all his Dharma and does his Karma without any evil intentions and ulterior motives, is an ideal and a true human and always stay happy, peaceful, and calm in life every moment.”

So, even though, with evolution of human rights over the centuries in various timelines, the concept of human duties stayed ignored and forgotten. But the sources of the human duties from where they emerged and originated centuries back in India in the golden era of Vedic period were so divine and henceforth, invincible that the human duties could never get diminished and vanquished completely.

Currently, for solving maximum issues surrounding the enforcement as well as the protection of human rights globally, the concepts of human duties need to be revived by educating the people about Dharma and Karma and various Vedic sources of it which are available as illustrated Bhagwad Gita translated in English, Vedas in brief, and all other such rich and eternally insightful holy scriptures and holy books while narrating this story about human duties.

#### V. HUMAN DUTIES: A PRE-REQUISITE FOR PROTECTION AS WELL AS ENFORCEMENT OF HUMAN DIGNITY GLOBALLY

*“The Willingness to accept responsibility for one’s own life is the source from which self-respect springs.”<sup>30</sup>*

- **Joan Didion**

As the above-mentioned quote mentions about human duties in terms of self-respect, it implicitly shows that human duties are a vital pre-requisite for protection as well as enforcement of human dignity globally as self-respect is a form of dignity only when a human feel respected and dignified without fear and force and responsibilities, roles and duties are human duties only.

The above quote by an eminent personality named Joan Didion is just the tip of the iceberg about the significance, vitality, and paramount importance of existence of human duties in this very competitive and materialistic world filled with deceits, betrayals, and various other evil forces in infinite forms. But the shocking observation is that there were lesser search results on quotes about human duties as compared to that on human rights.

But still, the few quotes by several eminent personalities belonging to different fields and professions that are going to be listed below are powerful enough to show the true value of the concept of human duties as follows in various aspects like being a good citizen of a country, or being a kind human overall:

- *“We never fail when we try to do our duty, we always fail when we neglect to do it.”<sup>31</sup>*  
- **Robert Baden-Powell**
- *“The duty of youth is to challenge corruption.”<sup>32</sup>*  
- **Kurt Cobain**
- *“There are two primary choices in life: To accept conditions as they exist, or accept the responsibility for changing them.”<sup>33</sup>*  
- **Denis Waitley**
- *“Man must cease attributing his problems to his environment, and learn again to exercise his will – his personal responsibility.”<sup>34</sup>*  
- **Albert Einstein**
- *“The victim mindset dilutes the human potential. By not accepting personal responsibility for our circumstances, we greatly reduce our power to change them.”<sup>35</sup>*  
- **Steve Maraboli**
- *“People tend to forget their duties but remember their rights.”<sup>36</sup>*  
- **Indira Gandhi**
- *“Successful people have a social responsibility to make the world a better place and not just take from it.”<sup>37</sup>*
- *“Responsibility is accepting that he/she is the cause and solution of a matter.”<sup>38</sup>*  
- **Anonymous**
- *“Being responsible is an enormous privilege...it’s what marks anyone as a fully grown man.”<sup>39</sup>*  
- **Anonymous**
- *“Never mind your happiness, do your duty.”<sup>40</sup>*  
- **Peter Drucker**
- *“The reward of one’s duty is the power to fulfill another.”<sup>41</sup>*  
- **George Eliot**

<sup>31</sup> Ibid.

<sup>32</sup> Google Search Engine, Search Results for Keywords “Famous Quotes on Human Duties”, Images, retrieved on Friday, 22<sup>nd</sup> November, 2024 from weblink: [www.graciousquotes.com](http://www.graciousquotes.com)

<sup>33</sup> Ibid.

<sup>34</sup> Google Search Engine, Search Results for Keywords “Famous Quotes on Human Duties”, Images, retrieved on Friday, 22<sup>nd</sup> November, 2024 from weblink: [www.graciousquotes.com](http://www.graciousquotes.com)

<sup>35</sup> Ibid.

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<sup>37</sup> Ibid.

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<sup>40</sup> Google Search Engine, Search Results for Keywords “Famous Quotes on Human Duties”, Images, retrieved on Friday, 22<sup>nd</sup> November, 2024 from weblink of: [www.amazon.ae](http://www.amazon.ae)

<sup>41</sup> Google Search Engine, Search Results for Keywords “Famous Quotes on Human Duties”, Images, retrieved on Friday, 22<sup>nd</sup> November, 2024 from weblink of: [www.shutterstock.com](http://www.shutterstock.com)

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- “You cannot escape the responsibility of tomorrow by evading it today.”<sup>42</sup>  
- **Abraham Lincoln**
- “Only aim to do your duty, and mankind will give you credit where you fail.”<sup>43</sup>  
- **Thomas Jefferson**
- “The man who neglects his duty as a citizen is not entitled to his rights as a citizen.”<sup>44</sup>  
- **Tiorio**
- “Knowledge of our duties is the most essential part of the philosophy of life. If you escape duty, you avoid action. The world demands results.”<sup>45</sup>  
- **George W. Goenthais**
- “I believe that every right implies a responsibility; every opportunity, an obligation; every possession, a duty. I always tried to turn every disaster into an opportunity. Singleness of purpose is one of the chief essentials for success in life, no matter what may be one’s aim.”<sup>46</sup>  
- **John D. Rockefeller**

So, from above quotes, it can be said that human duties are the soul of human rights and existence of humanity itself. Furthermore, some of the authors, researchers, and scholars have contributed in showing the real importance of human duties in the following works:

- Book titled “Human Duties and the Limits of Human Rights Discourse”<sup>47</sup>
- A Research paper on “Duties” by Giuseppe Franco Ferrari: includes the following segments of content – Meaning and Notions; A Short History of the Concept; Classification of Duties; Contemporary Scholarship; and Duties in the Regional Conventions on Human Rights<sup>48</sup>
- A Research paper titled “(Re)-Discovering Duties: Individual Responsibility in the Age of Rights” by Fernando Berdion Del Valle and Kathryn Sikkink for Minnesota Journal of International Law<sup>49</sup>
- Book Titled “Individual Duty Within a Human Rights Discourse” by Douglas Hodgson<sup>50</sup>
- A Research Paper titled “Human Duties and Rights in an Intercultural Perspective” by Emilia Bea (Professor of

- Philosophy of Law, University of Valencia, Spain)<sup>51</sup>
- A Research Article titled “Towards a Cultural Theory of Duties” by Fathali M. Moghaddam, Nikki R. Slocum, Norman Finkel, Tzili Mor, and Rom HarrE (Culture and Psychology)<sup>52</sup>
- A Research Paper titled “On the Meaning and Scope of Individual Human Duties and Obligations in the American Declaration of the Rights and Duties of Man of 1948 by Francesco Seatzu [(Ph.D. Not), Full Professor of International and European Union Law, University of Cagliari, Italy.<sup>53</sup>
- An Online Book Titled “Advancing Towards A Global Bioethics” – Research Paper titled “Convergence of Human Rights and Duties: Towards a Global Bioethics” by Alberto Garcia, John Lunstroth, Dominique J. Monlezun and Claudia R. Sotomayor<sup>54</sup>
- A Research Article titled “Human Rights and Positive Duties” – Published Online by Cambridge University Press (Ethics & International Affairs)<sup>55</sup>
- A Research Article titled “Principles and Duties: A Critique of Common Morality Theory” – Published online by Cambridge University Press: 04<sup>th</sup> March, 2022 – Cambridge Quarterly of Healthcare Ethics<sup>56</sup>
- A Research Paper titled “Rights, Duties, and the Future” by Timothy A. Duffy, University of Colorado, Colorado Springs<sup>57</sup>

So, it becomes very clear that human dignity will only be able to be upheld successfully when people will realize their human duties and enjoy their human rights in a balanced manner. Therefore, Human Duties need to be revived and emphasized more for the protection of human dignity as well as the human rights.

Even the level of progress in terms of political, social, economic, financial, commercial, and cultural development in all the countries is determined as per the demography, the people living in them as in if each citizen is sensible enough to perform his/her human duty and contribute in the enforcement as well as the protection of the human rights of the entire mankind alongwith the human dignity of every person altogether.

<sup>42</sup> Google Search Engine, Search Results for Keywords “Famous Quotes on Human Duties”, Images, retrieved on Friday, 22<sup>nd</sup> November, 2024 from weblink of: [www.reddit.com](http://www.reddit.com)

<sup>43</sup> Google Search Engine, Search Results for Keywords “Quotes on Human Duties”, Duty-Forbes Quotes from weblink: <https://www.forbes.com>, retrieved on Friday, 22<sup>nd</sup> November, 2024

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Google Search Result on Google Search Result on Key Search Words from John D. Rockefeller’s Quote on Duty on Webpage of John D. Rockefeller Quotes – Goodreads from weblink: <https://www.goodreads.com>

<sup>47</sup> Boot, E. R. (2017). *Human duties and the limits of human rights discourse*. Switzerland: Springer International Publishing.

<sup>48</sup> Ferrari, G. F. (2015). Duties. *Comparative Law Review*, 5(1).

<sup>49</sup> Del Valle, F. B., & Sikkink, K. (2017). (Re) Discovering Duties: Individual Responsibilities in the Age of Rights. *Minn. J. Int’l L.*, 26, 189.

<sup>50</sup> Hodgson, D. (2017). *Individual duty within a human rights discourse*. Routledge.

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Japan, U.S.A., Switzerland, Norway, Germany, and Australia are some of the countries that have set higher standards of development, growth and holistic progress with their deeper understanding on the importance of human duties and upholding human dignity along with protection and enforcement of human rights with adequate legislations and effective judiciary as well as other effective wings of the government.

On the contrary, in India, people tend to turn their backs to their human duties more often and emphasize selfishly on their own human rights. Its such an ironic situation that in a country where Vedic education and the Spiritual Concept of Dharma (Duty) was born is now, facing such issues pertaining to human duties becoming forgotten day by day posing a challenge for parents to raise their children into human resources and good citizens of India for a bright future and also laying challenges on the overall functioning of the country at every step somehow.

However, there are certain people who are actively contributing in spreading the idea of human duties by their karma (deeds) of public welfare as social workers, Non-Governmental Organization (NGO) Workers, Environmentalists, Social Reformers, Volunteers, and so on.

But for bringing a global change, the need of the today's time is promotion of the idea of encouraging people to open their minds, hearts and souls to look into themselves deeper while performing every action with a vigilance and a sense of human duty to behave like a true human by contributing in upholding the value of human dignity actively. Otherwise, the existing human rights, human duties, and human dignity cannot bring effective changes unless and until, the socio-psychological changes are encouraged in people all over the world by working together as a big Universal Family as Indian Culture has always quoted in Sanskrit: **"Vasudheiva Kutumbhakam"** meaning **"Entire Earth is Our One Big Family"**.

## VI. CONCLUSION

After going through the concepts of human rights, human duties, and human dignity and then, studying them in correlative aspects, it can be rightly stated that to bring a global change in protection, and enforcement of human rights, human duties, and human dignity, the nations and their governments have to work in a more comprehensive, deeper level and on a socio-psychological perspective to a greater extent as legal aspects have been covered very much over a long period of time as discussed in the earlier segments of this paper.

For a brighter future of the entire human race, each person in the entire world will have to come forward and participate actively in the performing their duties, upholding the human dignity, and protection as well as enforcement of human rights. Focusing only on procedural or legal aspect is not going to resolve the current global issues pertaining to human

rights, duties and dignity. Participation of everyone is very important for the effectiveness of functioning of legislation, executives, and judiciary altogether.

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- [6] David P. Forsythe, 'The Internationalization of Human Rights', p.1.
- [7] "Human Rights in Constitutional Law", (1994), p.5. According to Bennett, "Human Rights include those areas of individual or group freedom that are immune from governmental interference or that, because of their basic contribution to human dignity or welfare, are subject to governmental guarantee, protections, or promotion" (International Organizations, Third Edition p.258).
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- [14] The original Carta was in Latin which consisted 70 clauses.
- [15] The Bill of Rights was officially entitled as an Act of Declaring the Rights and Liberties of the Subject and for setting the Succession of the Crown. It was enacted by Charles-II on the occasion of the accession of William of Orange and Mary Stuart to the throne of England.
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