

**THE RELATIONSHIP BETWEEN RIGHT TO LIFE IN MODERN
HUMANRIGHTS CONTEXT AND RIGHT TO LIFE IN
BUDDHISM; AN OVERVIEW**

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Introduction

Human beings are rational beings. They by virtue of their being human possess certain basic and inalienable rights which are commonly known as "human rights"(Agrawal, 2010)."Human rights" is a generic term and it embraces civil rights, civil liberties and social, economic and cultural rights. All human rights are significantly important and they are inherently in all human being. Adopting the universal Declaration of Human Rights (UDHR) in 1948 is a milestone of mankind in human history. It is a one of most memorable achievement of the contemporary international law is to recognized human dignity and honour. (Agrawal, 2010)The UDHR consist in 30 Articles and did not categorize the different kinds of human rights. Its first two articles emphasize the all human beings without distinction are born free and equal in dignity and rights and set of basic principles of equality and non-discrimination in the enjoyment of human rights and fundamental freedom. Though not the UDHR categorized the rights there can be identified that Article 02 to 19 includes Civil and political rights and Article 22 to 28 includes Economic , social and cultural rights. Even though UDHR is not a legally binding document now it is consider as customary international law. All human rights are similarly important but right to life is vital and it is the basic right which should be to safeguard other rights. Some countries are directly included the right to life to their Constitutions and some others are explicitly included. Some are not recognized right to life as fundamental right. Hence, in modern legal

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context it can be noticed that the level of the value of human life is varying in country to country and legal context to other legal context.

But in Buddhist philosophy Lord Buddha's teaching highly accepted and appreciated that the notion of all living beings are equal in birth and they all have right to life. The five precepts in Buddhism (*Pañcasīla*) direct to refrain from bad habits and it is the fundamental principles which protect by Buddhist. The first precept is refrain from destroying others life and also own life; “*Pānatipātāvērāmanisikkhāpadaṅsamādiyāmi*” Further, according to the Lord Buddha's teaching it can be clearly observable that Buddhism not only consider about human life but also all living beings; “*Sabbapānihitānukampī*”

Hence, this research researchers attempt to identify the concept of right to life in modern legal context and it compare with Lord Buddha's teaching on right to life. Is there a significant relationship on right to life in modern legal context and Lord Buddha's teaching on right to life was the research problem of this research. Main objective of this research was found out the relationship between right to life in modern legal context and Lord Buddha's teachings on right to life and to identify the concept of human rights and fundamental rights, to determine importance of right to life, to find out Lord Buddha's teaching on human rights and right to life were the other objectives of this research.

Methods and procedure

This is a desk research and research is purely based on literature. Books, Conventions, Declarations, Acts, internet articles, case law and Dharma sutra were used to collect secondary data. Analytical method used to analyse and review data.

Results

According to the findings there was a significant relationship on human rights concept and Lord Buddha's teaching. In modern legal

context law seeks to buttress human rights and pay its attention on human being. But in Lord Buddha's teaching it could be significantly notified that Buddhist philosophy based on all living beings have rights and specially right to life and it covers not only all animals but also trees. Hence, Lord Buddha's teaching on right to life is broader than human rights and right to life concept in modern legal context.

Discussion

Human rights concept has a significant value mostly in contemporary society rather than history. "Right to life" is the basic and fundamental right to the all other rights. Without right to life, it is not practical and logical reason to safeguard other rights. But some countries are not recognized right to life as a fundamental right. In Sri Lanka though there are fundamental rights enshrined in the Constitution, Right to life does not expressly contain. However in the case of *Ahangama Vithanage Deshan Harindra and four others vs Ceylon electricity board and seven others (Ahangama Vithanage Deshan Harindra and Four others Vs Ceylon Electricity board and Seven Others, 1997)* an attempt was made to establish this right. But some countries are included right to life to their fundamental law, the Constitutions. Article 21 of the Indian Constitution stated that "no person shall be deprived of his life or personal liberty except according to procedure established by law". Further, Indian Supreme court attempted to implicitly uphold by interpreting right to life with right to live in healthy environment in *Dehra Dun Quarrying Case. (Rural Litigation and Entitlement kendra, Dehradun Vs State of Utar Pradesh, 1988)* Not only India but also Pakistan and Bangladesh also included right to life to their constitutions and through the case law jurisprudence they attempt to uphold right to life. (Guneratne, 2004) Thus, it can be noticed that Sri Lanka is lacking behind on uphold right to life by including it expressly in the Constitution, basic law of the country.

But Sri Lanka is a one of best Buddhist country in the world which is following Lord Buddha's teaching. Thus, in Buddhism it can be clearly

identified concepts relating to right to life not only the humans but also other every living being including trees. In VeludvāraSutta, Lord Buddha emphasizes that “*attūpanayikaDhammaPariyaya*”, we should take example from ourselves and we must not to do the things to others that we do not like. Further, Lord Buddha said that, all living being are afraid of death and penalty, “*Sabbētasantidaṇḍassa, sabbēbhāyantiMaccunō*”.

Moreover, in Buddhist teaching highlights that may all living being be happy and healthy.

In addition to that lord Buddha's teaching on good governance, CakkavattisīhanādaSutta mentioned that, the king or the ruler should protect not only human but also all living being including birds and animals.

Hence, it is clear that Lord Buddha's teaching on right to life is not only limited to protect human being and it broadly applies to all living beings including animals and birds. Additionally in Karaṇīyamettasutta Lord Buddha broadly interpreted that every person should have love and compassion to all living being as a mother who has one child and has love and compassion to her only one child. More, this sutta covered all kinds of living beings living in the world notwithstanding their inherent nature. Not only that in Buddhism, it can be seen that trees are also considered as living being. Thus, in Vinayaṭṭaka Lord Buddha mentioned that monks should not cut the trees and if anyone doing so it is an infringement of law or Vinaya according to the Buddhism.

Conclusion

According to the above discussion it can be noticed that the concept of human rights and right to life is most important for all human being. To safeguard the rights of the citizens, countries have taken steps according to the UDHR and it is the document which has a universal value. In modern context human rights law take in to consideration on human being and not pay its attention on other animal or living beings. But according to the Lord Buddha's teaching it can be noticed in dhammasutta and Buddha sermons

pay its attention not only human being but also all other living being including all kind of animals, fauna and flora. Thus, when compare the right to life in modern human rights context with Lord Buddha's teaching on right to life, it can be significant relationship between both approaches but Lord Buddha's teachings are broader than to the concept in modern legal context.

Keywords : Human Rights, Right to life, Constitution, Buddhist
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