

ABSTRACT

The Doctrine of Equality is a fundamental concept in Human Rights Law. This doctrine condemns all kinds of discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. In addition to the UDHR, many other internationally recognized legal instruments on Human Rights Law such as ICCPR, ICESCR, CRC, CEDAW, CRPD, CERD, ACHPR, ECHR, ACHR and AHRC etc have ensured the right to equality of the people from a right based approach.

Buddhism also similarly provides ample of guidelines to eliminate all types of social discrimination from a duty based approach. Interestingly, Buddhist teachings go beyond the human rights law where the doctrine of equality is analyzed by Buddhist methodology. Nevertheless, the doctrine of equality is only a part of the widespread Buddhist philosophy. Therefore, the concept of human rights has not been specifically highlighted by Buddhist preachers at large. Also it has not been developed as a special Buddhist sermon at present.

Today, even though some people use the word, "Equality", many of them have not comprehensively understood its legal aspect in Sri Lanka. Equality does not mean, serving a similar slice of bread to everyone and such equality is "impossible nonsense" according to Karl Marx. As Sir Ivor Jennings plainly explains, "Equals should be treated equally" which is the essence of the doctrine of equality. However, it is very rare to find laymen who have properly understood the legal surroundings of the doctrine. Many executive and administrative officials take decisions which subject others to discrimination, but in some cases they have not acted maliciously or intentionally. It is just that they have turned a blind eye to the doctrine in their decision making process and some officials are so reluctant to consider legal opinions before taking actions and decisions too. Very pathetically, many innocent victims are also not aware that they have been subjected to discrimination. Therefore only a very few percentage of victims seeks legal remedies against such discriminations due to lack of awareness on the doctrine and the jurisdiction of the court of law and the human rights commission.

Interestingly, Buddhism has addressed the importance of doctrine of equality in a very richer tone and a comprehensive manner before the human rights law came in to the social operations against discriminations. For instance, going by *WASALA SŪTHTHRA*,

"NAJAJJA WSALOHOTHI NAJAJJAHOTHI BRAHMANO, KAMMANA WSALOHOTHI KAMMANAHOTHI BRAHMANO"

A person cannot be evaluated by his pedigree based on race, cast, religion, sex or ect. A person can only be evaluated by his acts and characteristics. This rudimentary discourse can be taken as the stepping stone of the doctrine of equality and non discrimination. This is what is exactly mentioned in the articles 1 and 2 of UDHR.

Article 1- "All human beings are born free and equal in dignity and rights...."

Article 2- "Everyone is entitled to all the rights without distinction of any kind such as race, colour, sex, language, religion....."

But, unfortunately even many Buddhists are also not aware of the noble Buddhist philosophy. Many devotees have paid more attention to engage in material offerings and activities like making pandols in Wesak festive session, alms giving, engaging Bodhi Puja and offering flowers ect. However Lord Buddha also emphasized the significance of following Buddhist philosophical principles rather than material offerings. It is also very rare to find Buddhist monks who preach Buddhist philosophical teachings to mould the society. Buddhist monks can easily inculcate the noble concepts like doctrine of equality into the people's mind timely. For that, timely topics should be included into their sermons to attract and to get the attention of the people who are in this cyber era with modern technology. Therefore, Buddhist monks should also go beyond the traditional ways of preaching and if they are well erudite in both Buddhist teachings and legal approach of doctrine of equality they will be able to play a huge role against social discriminations.

Human rights activists also attempt to create public awareness on the doctrine of equality and other human rights laws as well. But most of them are utter failures in addressing the public as they try to educate laypersons without properly understanding their social, cultural, religious and traditional surroundings. As a result, some human rights activists have become laughing stocks among the people and some people have recognized human rights law as an enemy that has come from the West. Thus, although human rights activists are thorough on legal aspects of the doctrine of equality and nondiscrimination the same cannot be said about their knowledge on the sociological background of the country. Therefore, they must also be well equipped with the knowledge on Buddhist teachings and other social and religious backgrounds to engage in their role and tasks effectively.

Indeed, both Human Rights Activists and Buddhist Monks can fruitfully use these noble discourses coupled with legal aspects to educate the public for the purpose of preventing people from discriminatory activities in this modern society.

However for that purpose, knowledge sharing productions including the legal aspects and Buddhist perspectives of doctrine of equality and non-discrimination are needed for both Human Rights Activists and Buddhist Monks to fill the gap in their knowledge and to create public awareness in order to eradicate all kind of discriminations from the society.

The researcher has articulated the research problem as a puzzle as follow,

“Even though Buddhism has discussed the doctrine of equality from a duty based approach in depth before the human rights law was established as an enforceable law, many Buddhists have also not understood that comprehensively.

Although human rights activists try to create public awareness on the doctrine of equality whilst Buddhist monks preach ample of Buddhist sermons to mould the society, much discrimination takes place in the society and very often we can see that people have turned a blind eye to the doctrine of equality. In some cases violators who have taken discriminatory decisions and actions have not done that intentionally and maliciously, but they have not paid considerable attention to the doctrine in their decision making process. Very pathetically, even many victimized persons are also not aware that they have been subject to discrimination. Therefore only very few percentages of victims seek legal remedies against such discrimination due to the lack of knowledge on the right to equality and jurisdiction of the court of law and human rights commission as well.

If there are Buddhist discourses which are compatible with doctrine of equality it is doubtful whether Buddhist monks discuss such noble Buddhist teachings with laymen in a timely manner. There also can be other reasons as to why laymen are not aware of these Buddhist teachings.

On the other hand, if human rights activists have effectively engaged in their role and tasks a lay person must be well aware of the doctrine. But practically speaking, both the right based approach and the duty based approach in respect of doctrine of equality have not been adequately and considerably understood by the laymen in present context.”

The researcher has unpacked the above mentioned research problem into the following three research questions.

1. What are the Buddhist teachings which are compatible with the Doctrine of Equality and Non-Discrimination?
2. What are the challenges faced by laymen when learning and practicing Buddhism relevant to the society?
3. What are the remedial actions that can be taken to educate the society to refrain from discriminative acts from a duty based approach?

The researcher also has the below mentioned objectives.

1. Analyzing and illustrating the concepts of Buddhism which are associated with the concept of Equality and Non- Discrimination.
2. Emphasizing the significance of the concepts of Buddhism for the prevention social discriminations
3. Providing a knowledge sharing production for human rights activists and Buddhist monks and the public.

Eventually this dissertation is the final result of attempting to present a knowledge sharing production to both Human Rights Activists and Buddhist Monks and any other interested parties to fight against social discrimination and to use it as a tool for social purification.

Key words: Doctrine of Equality, Non Discrimination, Human Rights Law, Buddhist Duty-Based Approach, and Right- Based Approach.