

# CHAPTER-2

## RIGHTS

### (POLITICAL THEORY)



# WHAT IS A RIGHT?

- A right is essentially an entitlement or a justified claim that we as citizens, individuals and human beings can enjoy. They are recognized by society as a legitimate claim.

# ON WHAT GROUND RIGHTS HAVE BEEN CLAIMED?



- Rights are those claims which are considered necessary for leading a life of respect and dignity. For e.g.- the right to livelihood may be considered necessary for leading a life of dignity and having fulfilled our basic needs gives us the freedom to pursue our talents and interests.
- Another ground on which rights have been claimed is that they are necessary for our well-being. They help individuals to develop their talents and skills. For e.g. right to education helps to develop our capacity to reason, gives us useful skills and enable us to make informed choices in life. So education should be designated as universal right.
- But all claims are not rights. A claim should be just and reasonable. It should be morally justifiable. Claims cannot become a right unless it is recognized by the society as every right requires social recognition. This is because man has to live and work in cooperation with others. If an activity is injurious to our health it cannot be claimed as a right. For e.g. medical research has shown that prohibited drugs are injurious to one's health and since they affect our relations with others we cannot insist that we have a right to inhale or inject drugs or smoke tobacco.



# WHERE DO RIGHTS COME FROM?

- In 17th and 18th century, thinkers have said that rights are derived from God or given to us by nature.
- The rights are derived from natural law. It means that we are born with them. So these rights cannot be taken away.
- Three natural rights of man are- Right to life, Right to liberty and Right to property. All other rights are said to be derived from these basic rights.
- This natural rights theory opposes the arbitrary power of the state and safeguards our individual freedom.
- But today rights are seen increasingly as guarantees that human beings themselves seek to lead a minimally good life.

# IMMANUEL KANT'S VIEW ON HUMAN DIGNITY



- Human beings unlike all other objects possess dignity so they are valuable in themselves.
- It means that every person has dignity and ought to be so treated by virtue of being a human being and deserves to be given some minimum dignity.
- For Kant, to treat people with dignity was to treat them morally.
- Even if a person is uneducated, poor or powerless, dishonest or immoral still he deserves some dignity.
- His views represent what is called the moral conception of rights. This conception rests upon two arguments:
  - a) We should be treating others as we should like to be treated ourselves.
  - b) We should make sure that we don't treat other person as means to our ends.



# LEGAL RIGHTS AND THE STATE

- Rights become more effective when they are given recognition by the state, they are supported by the government and law.
- Many countries have Bill of Rights in the Constitution as Constitution represents the highest law of the land and so recognition of rights is of primary importance.
- In our country they are called Fundamental Rights.
- Rights place an obligation upon the state to act in a certain way.
- Each right indicates what the state must do as well as what it must not do. For instance, Right to life obliges state to make laws that protect me from injury by others and punish those who harm me.
- Rights also indicate what the state must refrain from doing. For e.g. the state cannot arrest a person arbitrarily without knowing the cause.
- So rights ensure that authority of the state is exercised without violating the sanctity of an individual's life and liberty.



# KIND OF RIGHTS

- **1) POLITICAL RIGHTS-**
- These rights give to the citizens the right to equality before law, right to contest elections, right to form political parties to join them.
- Political parties are supplemented by civil liberties such as right to free and fair trial , the right to express one's views freely, the right to protest and express dissent.
- Collectively civil liberties and rights form the basis of a democratic system of government.
- Political rights make the government accountable to the people by giving greater importance to the concerns of the individual over that of the rulers.



- **2) ECONOMIC RIGHTS-**
- Political rights can only be exercised when our basic needs like food, clothing, shelter, adequate wages are recognized.
- Hence, democratic societies are beginning to recognize these obligations and providing economic rights.
- For e.g.- in some countries those with low incomes receive housing and medical facilities from the state.
- Political rights make the government accountable to the people by giving greater importance to the concerns of the individual over that of the rulers.





- **3) CULTURAL RIGHTS-**
- In democracies today the government is recognizing the cultural claims of the citizens.
- The right to have primary education in one's mother tongue, the right to establish institutions for teaching one's language and culture are being recognized as being necessary for leading a good life.

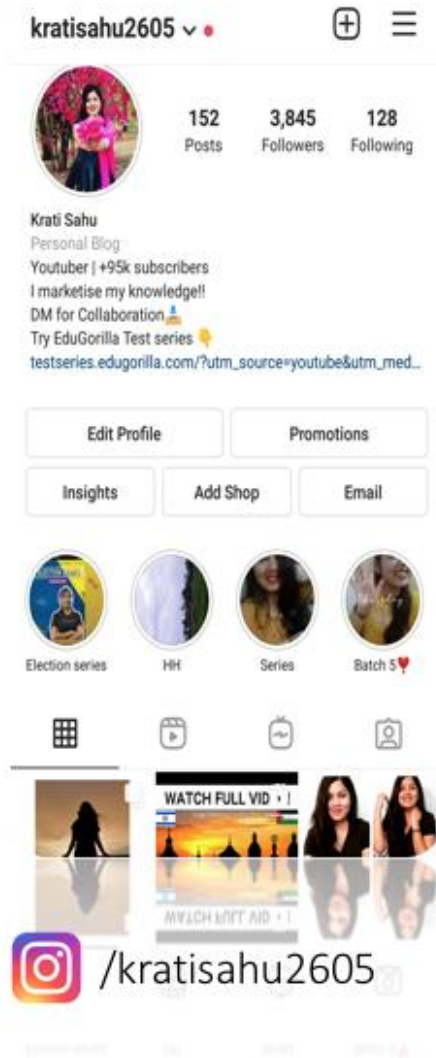


# RIGHTS AND RESPONSIBILITIES

- Rights not only place obligations upon the state to act in a certain manner but they place obligations upon each one of us.
- Firstly, it compels us to think not only of self-interest but also defending things as being good for all of us. For e.g. protecting the ozone layer, minimizing air and water pollution are common good.
- Secondly, it also requires that an individual must respect the others. For e.g. if a person has right to speak freely and express his views then he must be tolerant of others views also.
- Thirdly, we must balance our rights when they come into conflict. For e.g. my freedom of speech and expression says that I have the right to take a picture but I cannot take picture of a person bathing otherwise it will violate his/ her rights.
- Fourthly, we must be careful of the limitations placed on our rights. Restrictions should not be to an extent that it harms the life and liberty of a person. For e..g. restrictions which many governments are imposing on the civil liberties of citizens on the grounds of national security.
- Even arrested person should be allowed legal counsel and the opportunity to present their case before a magistrate or a court of law.
- Hence even though rights can never be absolute, we need to be vigilant in protecting our rights and those of others for they form the basis of a democratic society.

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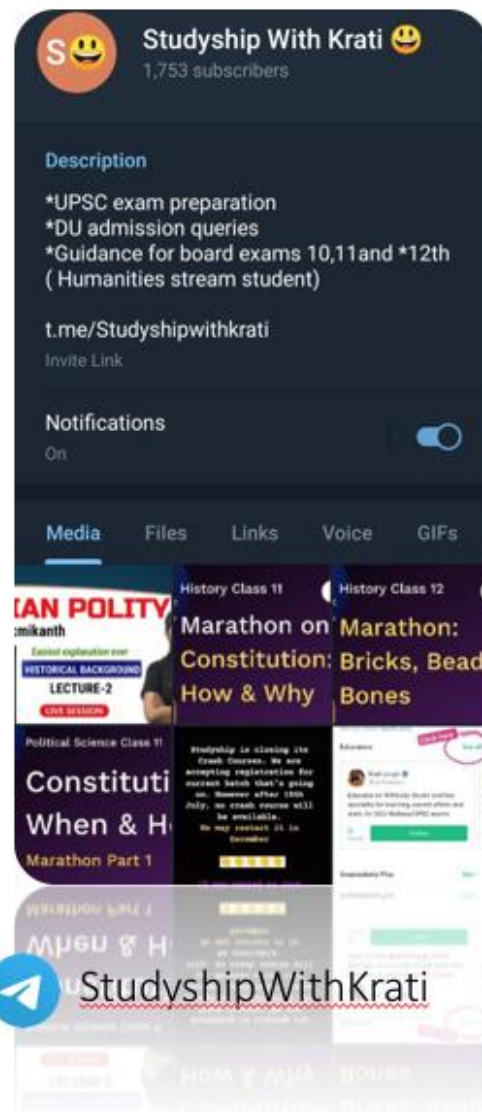
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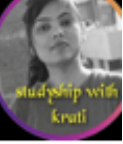
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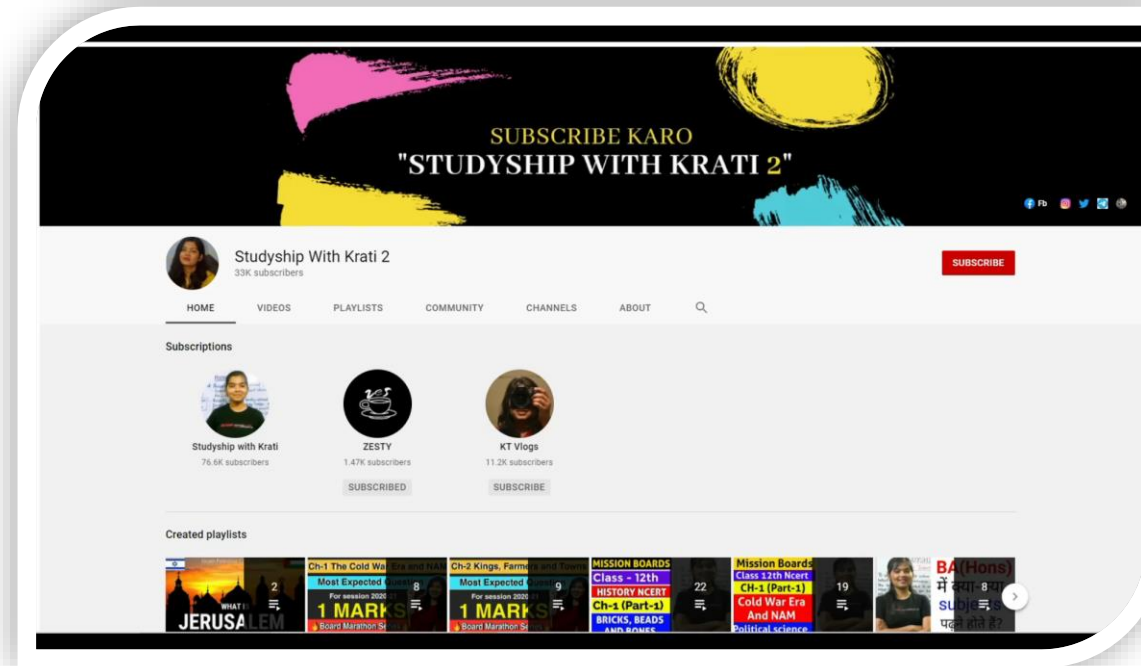
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