Chapter 5: Rights

Exercises — Exercises

Q1 What are rights and why are they important? What are the bases on which claims to rights can be made?

A right is an entitlement or justified claim: what we are due as citizens, individuals and human beings, and what society must recognise and uphold. Not everything we want is a right; wishing to skip the school uniform or stay out late does not make these rights. Rights are those claims regarded as necessary for a life of respect and dignity.

Importance: rights protect individual dignity and well-being, let people develop their talents, make government accountable and let people influence its decisions, and they place obligations on the state, restraining it from arbitrary action.

Bases of claims: (1) Dignity and self-respect: e.g. the right to livelihood gives economic independence, and freedom of expression allows creativity and supports democracy. (2) Well-being: e.g. the right to education develops reasoning, skills and informed choices. An activity harmful to health, such as smoking or taking banned drugs, cannot be claimed as a right. Historically, rights were also said to come from nature or God (natural rights), and now from the equal worth of every human being (human rights).

Q2 On what grounds are some rights considered to be universal in nature? Identify three rights which you consider universal. Give reasons.

Some rights are called universal because they are important for all human beings living in society, wherever they are. Two grounds support this. First, they are needed for a life of dignity and self-respect. Second, they are needed for well-being, helping people develop their talents and skills. Behind them lies the human rights idea that all persons are entitled to certain things simply because they are human, each being unique, equally valuable and not born to serve others (Kant's idea of human dignity).

Three universal rights:
1. Right to livelihood: gainful employment gives economic independence and dignity, and meets basic needs, freeing us to pursue our interests.
2. Freedom of expression: it allows creativity in writing, dance or music, and lets beliefs and opinions be voiced freely, which democratic government needs.
3. Right to education: it develops our capacity to reason, gives useful skills and enables informed life choices.

Q3 Discuss briefly some of the new rights claims which are being put forward in our country today -- for example the rights of tribal peoples to protect their habitat and way of life, or the rights of children against bonded labour.

The list of rights has expanded over the years as societies face new threats and challenges. Such claims express moral outrage at infringements of people's dignity and rally support to extend rights to all human beings.

Examples:
- Environment: growing concern for the natural environment has produced demands for the right to clean air, safe drinking water and sustainable development. Tribal peoples similarly claim the right to protect their habitat and way of life, since their dignity and livelihood depend on it.
- Children: awareness of the hardships children face has led to demands for rights of children, including protection against bonded labour, so that they can study and grow with dignity instead of being exploited.
- Information: people demand the right to information from those in authority.
- Livelihood: concern for the poor, women, children and the sick in times of crisis has strengthened the demand for a right to livelihood, as in the rural employment guarantee scheme.

Such claims often invoke wide public support.

Q4 Differentiate between political, economic and cultural rights. Give examples of each kind of right.

Political rights give citizens equality before law and the right to participate in the political process. Examples: the right to vote and elect representatives, to contest elections, and to form or join political parties. They are supplemented by civil liberties such as a free and fair trial, freedom of expression and the right to protest and dissent. They make government accountable and let people influence its decisions.

Economic rights ensure that people can meet basic needs of food, shelter, clothing and health, without which political rights have little value for someone struggling on the pavements. Examples: an adequate wage and reasonable conditions of work, housing and medical facilities for low-income citizens, a minimum wage for the unemployed, and in India the rural employment guarantee scheme.

Cultural rights protect the claims of communities to their language and culture. Examples: the right to primary education in one's mother tongue and the right to set up institutions for teaching one's language and culture.

Thus political rights concern participation in governance, economic rights concern material well-being, and cultural rights concern identity and heritage.

Q5 Rights place some limits on the authority of the state. Explain with examples.

Rights oblige the state to act in certain ways and also to refrain from acting in others, so they constrain state authority. The state may be sovereign and enforce its laws, but it exists for the sake of the individual, and rulers are accountable for their actions.

Examples of limits:
- Right to liberty: the state cannot arrest a person at will. To put someone behind bars it must give reasons before a judicial court, which is why police must produce an arrest warrant. Even arrested persons are entitled to legal counsel and a chance to present their case before a magistrate or court.
- Right to life: this obliges the state to make laws protecting people from injury by others and to punish those who harm them; if life means good quality of life, the state must pursue policies for a clean environment.
- Civil liberties during security threats: governments should not curtail liberty by arrest on mere suspicion, tapping phones or torture without caution, as such powers can be misused and make government authoritarian.

Thus rights ensure state power is exercised without violating the sanctity of individual life and liberty.