

FACULTY OF JURIDICAL SCIENCES

COURSE: B.A.LL.B. 1st Semester

SUBJECT: Political science-I

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Lecture-20



Rights: Meaning and theories; different kinds of rights

A right is described as an entitlement or justified claim to a certain kind of positive and negative treatment from others, to support from others or non-interference from others. In other words, a right is something to which every individual in the community is morally permitted, and for which that community is entitled to disrespect or compulsorily remove anything that stands in the way of even a single individual getting it. Rights belong to individuals, and no organisation has any rights not directly derived from those of its members as individuals; and, just as an individual's rights cannot extend to where they will intrude on another individual's rights, similarly the rights of any organisation whatever must yield to those of a single individual, whether inside or outside the organisation. Rights are those important conditions of social life without which no person can generally realize his best self. These are the essential conditions for health of both the individual and his society. It is only when people get and enjoy rights that they can develop their personalities and contribute their best services to the society.

In simple words, rights are the common claims of people which every cultured society recognizes as essential claims for their development, and which are therefore enforced by the state.

1. According to Laski, "Rights are those conditions of social life without which no man can seek in general, to be himself at his best."
2. T. H. Green explained that "Rights are powers necessary for the fulfilment of man's vocation as a moral being."
3. Beni Prasad stated that "Rights are nothing more nor less than those social conditions which are necessary or favourable to the development of personality"

Other moral theorists like Isaiah Berlin defines rights in terms of positive liberties and negative freedoms. A positive right is an entitlement to; A right to free expression, for instance, entitles one to voice opinions publicly. A negative right is a freedom from; Freedom of person is a right to be free of bodily interference. Most rights are both positive and negative.

Main features of Rights:

1. Rights exist only in society. These are the products of social living.
2. Rights are claims of the individuals for their development in society.
3. Rights are recognized by the society as common claims of all the people.
4. Rights are rational and moral claims that the people make on their society.
5. Since rights are here only in society, these cannot be exercised against the society.
6. Rights are to be exercised by the people for their development which really means their development in society by the promotion of social good. Rights can never be exercised against social good.
7. Rights are equally available to all the people.
8. The contents of rights keep on changing with the passage of time.

9. Rights are not absolute. These always bear limitations deemed essential for maintaining public health, security, order and morality.
10. Rights are inseparably related with duties. There is a close relationship between them "No Duties No Rights. No Rights No Duties." "If I have rights it is my duty to respect the rights of others in society".
11. Rights need enforcement and only then these can be really used by the people. These are protected and enforced by the laws of the state. It is the duty of a state to protect the rights of the people.

MCQ

1. Which of the following Articles contain the right to religious freedom?

- (a) 25-28
- (b) 29-30
- (c) 32-35
- (d) 23-24

2. Which of the following articles guarantees equality before law and equal protection of law for all individuals residing within the territory of India?

- (a) 15
- (b) 14
- (c) 17
- (d) 18

3. Which article of the Constitution abolishes Untouchability?

- (a) Article 18
- (b) Article 15
- (c) Article 14
- (d) Article 17

4. Which of the following is correct with respect to “Right against exploitation”?

- (a) Prohibition of traffic in human beings and forced labour
- (b) Freedom as to payment of taxes for the promotion of any particular religion
- (c) Protection of interests of minorities
- (d) Equality before law

5. In which part of the Indian Constitution, the Fundamental rights are provided?

- (a) Part II
- (b) Part III
- (c) Part V
- (d) Part IV