

Chapter 5 - Rights

Question 1:

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

Answer:

- Rights are primarily those state-recognised claims that every individual regards to be necessary for leading a life of respect and dignity. These are essentially a justified claim or an entitlement.
- Rights are important as they help individuals to develop their capacity to reason, develop their skills and enable them to make informed choices in life.

The bases on which claims to rights can be made are:

- The representation of conditions that individuals collectively see as a source of self-respect and dignity.
- The necessity for every individual's well being.

Question 2:

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

Answer:

The importance of certain rights for all human beings regardless of their place in society confers universality on these rights. The assumption behind human rights is the entitlement of human beings to certain rights that ensure self-respect and dignity by virtue of being born as humans. Thus, universal rights are those rights whose entitlement is non-negotiable.

The three universal rights are as follows:

- Right to education is considered to be universal in nature because this is must for an individual to develop his/her capacity to reason, skills and enables him/her to make informed choices in life. This helps the individual to make good use of other rights.
- Right to livelihood ensures self-respect and dignity of the individuals through economic independence.
- Freedom of expression is important for all human beings as it develops creativity and originality and allows for free expression of ideas and beliefs.

Question 3:

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

Answer:

- The claim of rights of tribal people to protect their habitat and way of life has emerged with the new conception of a secure and respectful life of individuals along with preserving their traditional way of life and access to resources.
- This is a result of change in society and its beliefs and providing special provisions or rights to people to protect indigenous culture.
- Tribal people are given rights to own a part of land of the forest to which they belong.
- They are given special facilities in education, job, medicine etc. so that they can compete with the rest of the society on equal terms.
- The rights of children against bonded labour are necessary to prevent their exploitation and ensure a safe childhood for them.
- The right to education is a new right given in the Indian Constitution.
- This right helps in preventing the violation of the basic right of children to education.
- Right to information is a new right that helps the citizens to know the status or the procedure of the services that they are entitled to receive.

Question 4:

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

Answer:

- Political rights are those rights that ensure equality before law and the right to participate in the political process. Right to contest election is a political right.
- Economic rights are those rights that ensure the entitlement of basic needs of food, shelter etc.
- Economic rights helps in fulfilling the political rights. Right to minimum wage is an economic right.
- Cultural rights are given to citizens to preserve their culture, its essence and its dignity.
- Political rights and economic rights help in ensuring cultural rights for citizens. Right to establish institutions to preserve one's language is a cultural right.

Question 5:

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

Answer:

- Rights place some limits on the authority of the state as they make the state responsible for its actions.

- Rights place an obligation upon the state to act in a certain way.
- For example, the state must ensure that its policies should provide basic needs to all its individuals.
- Rights suggest what the state must refrain from doing.
- The state cannot make laws that violate the fundamental rights of the citizens and go against the constitution.
- Freedom of expression is a basic right of individual therefore the state cannot stop anyone from expressing himself/herself.
- The state cannot arrest any individual unnecessarily as that would mean violating her/his right of liberty.