

1.5. CLASSIFICATION OF RIGHTS

The Philosophical or theoretical approach has been categorized in five more theories to explain the rights of man. These are

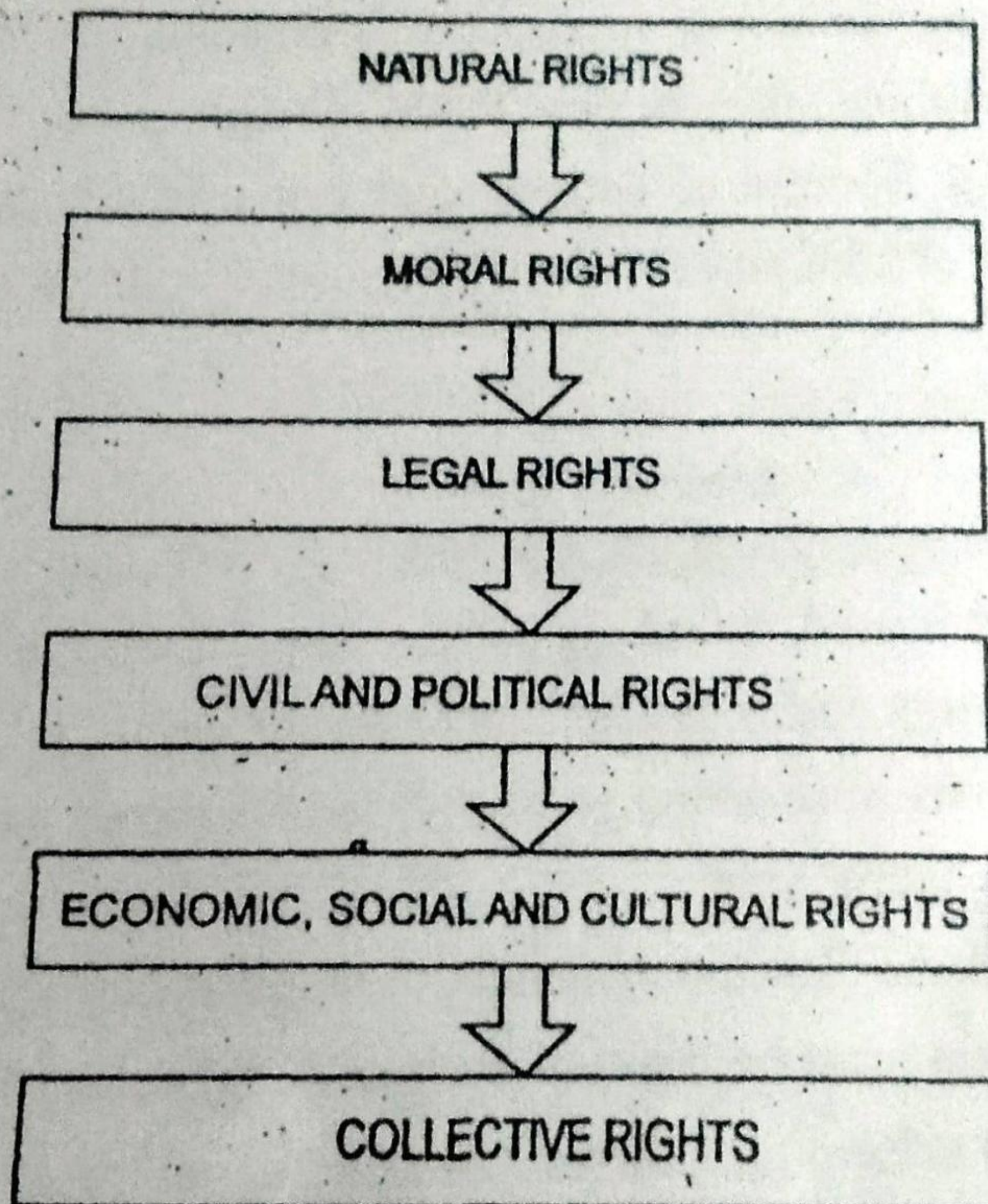


Fig. 1.3. Classification of Rights

1.5.1. NATURAL RIGHTS

- ❖ Rights that persons purportedly have in common law. The United States' Declaration of Independence lists life, freedom, and the pursuit of happiness as natural rights.
- ❖ Natural rights are rights that are deemed by natural law to be necessary for all animals or living beings.
- ❖ The English philosopher John Locke discussed it.
- ❖ He said that "life, liberty and property" are the most essential natural rights.
- ❖ Any person maintains fundamental rights arising from natural law.
- ❖ Rights against other people are rights, and duties against other people are duties. Thus, a natural law system, a system of obligations that all men have to others, is at the same time a system of rights that all men have against others.
- ❖ The formulation of the 'Rights of Man' principle has therefore been closely related to conventional theories of natural law, as a matter of fact the notion of human rights has never been projected as a special aspect in these theories, and law as such implies both obligations and rights.
- ❖ Human rights are, according to this theory, inherent in the very existence of human beings. Because of the very fact that it is a being, a whole, a master, a master of itself and of its actions by natural law, the human being has these rights.

1.5.2. MORAL RIGHTS

- ❖ Moral rights are personal rights that link a work's creator to their job. When your work is used, moral rights are about being properly named or credited, and the way your work is treated and shown.
- ❖ Moral rights require your name to always be displayed with your work. This is called attribution right.
- ❖ A right is a legitimate claim, entitlement or assertion of what is owed to a rights-holder. There must be a moral basis or justification for the claim in order for a person to have the moral right to have, get, or do something.

- ❖ A right is a legal claim, entitlement or declaration of what is owed to a rights-holder. There must be a legal basis or justification for the argument in order for a person to have the legitimate right to have, use, or do something. For various types of rights, these foundations or justifications are different.
- ❖ We can see that "human rights" is a name for the rights that all persons have because they are individuals. Rights owned only by those are referred to as "special rights."
- ❖ It is based on society's legal and spiritual values.
- ❖ It has no legal backing, no.
- ❖ It will not be followed by court laws.

1.5.3. LEGAL RIGHTS

- ❖ The state acknowledges legal rights and enforces them by the rules of the judiciary.
- ❖ Civil, political and economic rights are further divided into legal rights.
- ❖ Many authors have rejected the theory of natural rights and, in response, promoted the theory of legal rights.
- ❖ According to this theory, state formation is the creation of rights. As such, in the essence of man, they are neither absolute nor inherent. The law of the land artificially establishes all rights, such as the right to life, independence or property.
- ❖ These basic rights are the right to self-preservation, which can only be better secured by the state than by any other means.
- ❖ This principle extended that only for its compliance can the state recognise these rights, and if the state cannot recognize them, they cannot be enforced.

1.5.4. CIVIL RIGHTS

- ❖ Human liberties, assurances of equal social opportunity and equal treatment in compliance with the constitution, inclusive of nationality, religion or other personal characteristics.

- ❖ When the enforcement of civil rights is found to be insufficient by many, a campaign for civil rights may arise to call for fair enforcement of the laws without discrimination.
- ❖ Poverty, unemployment, the right to vote and social inequalities in education, as they were among those who marched for equality and work in 1963, are still problems today. This is a short summary of the factors why analysts believe the civil rights movement still wants the United States.
- ❖ It requires maintaining physical integrity and physical protection of persons, disability, sex, age, rank.
- ❖ Privacy, freedom of thought, voice, language, faith, and religion are human rights.
- ❖ Ex. Rights to life, personal liberties, democracy, freedom of conscience, association, social welfare, etc.

1.5.5. POLITICAL RIGHTS

- ❖ Constitutional rights are compared to the rights that include involvement in the formation or operation of a government that are commonly held to entitle adult people to exercise the franchise, hold elected office, and other legislative practises.
- ❖ People in a democratic nation, such as India, have the freedom to criticise the government if their rights are not secured. All these social, economic and political rights are granted and guaranteed, without any prejudice, by the state, indeed by a democratic state, to all its people.
- ❖ This encompasses natural justice, such as the rights of the complainant, and the right to a fair trial.
- ❖ Freedom to request procedural rectification.
- ❖ The rights of civil society and political actors, such as freedom of association.
- ❖ Ex. Right to gather, Right to request, Right to vote, etc.

1.5.6. ECONOMIC RIGHTS, SOCIAL AND CULTURAL RIGHTS

- ❖ The universal right to employment, the right to an acceptable standard of life, including food, clothes and shelter, the right to physical and mental

health, the right to social care, the right to a safe environment and the right to education are all economic, social and cultural rights.

- ❖ Economic, social and cultural rights are part of the human rights legislation that emerged in the wake of the Second World War. Both economic and social rights, as well as civil and political rights, such as the right to free expression and the right to a fair trial, are contained in human rights law.
- ❖ These rights are profoundly intertwined: the freedom to speak openly, for instance, means little without basic education; the right to vote means little if you suffer from hunger. Similarly, if you are not permitted to meet and gather in groups to negotiate job conditions, the right to work means nothing.
- ❖ It is essentially founded on the notion of social equity.
- ❖ The right to adequate food, clothes, accommodation and adequate living conditions and protection from starvation, the right to jobs, the right to social care, education and mental health.

1.5.7. ECONOMIC RIGHTS

- ❖ They are part of a continuum of ethical concepts focused on human philosophy.
- ❖ Cultural and social duties where economic freedom and liberty are built
- ❖ Just saved. In an attempt to ensure that people have the capacity to maintain their needs, economic and social protections are given to Americans who are met by the government.
- ❖ Employees are entitled to equal wages and can be claimed personally or by labour unions and other associations.
- ❖ Entitlement to Function.
- ❖ Right to acceptable salaries.
- ❖ Right to properties.
- ❖ Economic Stability Right.
- ❖ Right to fixed operating hours.
- ❖ Right to work for a set hour.

1.5.8. SOCIAL AND CULTURAL RIGHTS

- ❖ Social rights are those which are required to engage entirely in life from culture. These include at least the right to education and the right to create and retain a family, but also many of the rights sometimes referred to as "civil rights" for example: rights to leisure, health care, anonymity and protection from discrimination.
- ❖ Social care and social insurance rights.
- ❖ Rights needed to engage entirely in the life of defence.
- ❖ The security of families, infants and disabled people.
- ❖ Freedom to educate.
- ❖ Right to food and lodging.
- ❖ Freedom to join in cultural life.
- ❖ Right to work.

1.5.9. COLLECTIVE RIGHTS

- ❖ Collective rights are exercised by groups (people) who are recognized and protected by the Indian constitution in Indian society.
- ❖ Collective rights are distinct from human rights. Under the Charter of Rights and Freedoms, every Indian citizen and permanent resident has individual rights, such as the right to live anywhere in India.
- ❖ It is third generation human rights.
- ❖ Louis B John argued that people are often members of national or state associations or societies or families.
- ❖ International law thus respects not only human rights, but also collective rights, jointly by persons grouped within a wider society.
- ❖ Right to development, right to peace and self-determination.

1.6. PRAGMATIC APPROACH

- ❖ Besides, philosophical and theoretical approach, another way to looking the meaning and nature of Human Rights is pragmatism.
- ❖ Every right whether it has been perceived as inalienable or otherwise have validity and effectiveness only through some process or institution.