

# Rights and Duties: Interrelationship

Rintu Mohanta,

Assistant Professor, Department of Political Science, NabadwipVidyasagar College

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## ABSTRACT:-

Man is social and political animal because he cannot live alone. Sohe collectivelylive in an organised society to get a common purpose. The purpose of what Aristotle says living well. This purpose finds its fulfilment in the enjoyment of the conditions necessary for the development and realisation of human personality. Eventually, minimum opportunities are necessary prelude to the realisation of human personality. A right is a demand of individual which is recognise and preserved by society and the state. On the otherhand, every citizen can enjoy their rights by the state and every citizen obeysto a particular duty towards the state because rights and duties are both two sides of a coin. This paper proposes to analyse the interrelationship between rights and duties.

**Keywords:** Fulfilment, opportunities, prelude, personality, conditions, society, preserved.

## INTRODUCTION:-

According to Aristotle, man is social and political animal. He cannot do without society or state and he desires to live in society and follows the rulers and regulations of the state. Rights are dynamics concept. It exist in the society but not exist outside of the society. Prof. Harold Laski says that "The State is knownby the rights that it maintains." The state ought to guarantee to individuals the enjoyment of a certain number of basic human rights which are essential for good life. According to Hobhouse, "Rights are what we may expect from others and others from us and all genuine rights are conditions of social welfare." Rights are claims that socially recognised to make life happy, contented, harmonious and prosperous. They are prior to the state as they fulfil the basic conditions of social life. Basically rights are two categories these are: firstly moral and secondly legal rights. Moral right is a right which depend on man's ethical awareness and conscience. For instance, a teacher has a moral claim to be respectfully treated by his students. Legal rights are those facilities enjoyed by a citizen which the state recognises and sanctions through the institutions of its legal code in every state there is provision for constitutional remedy against any encroachment on

legal rights. According to Article 32 Under Indian Constitution deals with Constitutional Remedies guaranteed by the constitution. Legal rights are basically three types these are: i. Civil rights, ii Political rights and iii. Economic rights.

## Civil Rights:-

Civil rights are those privileges which very important for every citizen that can attain his inherent personality. Every citizen of the democratic state are only acquired their inherent personality through privileges. In modern states they are approved to all without distinction of caste, class, creed, religion or sex. Every democratic state has to guarantee to civil rights for every citizen. In modern democratic states civil rights which are as follows bellow:-

### i.Right to Life

Right to life is the most fundamental right of civil rights. The right to life impact on right to protection from any attack inside or aggression outside. Every democratic state provides security to the life of its every citizen. It is not possible to enjoy other rights without security of life. This right also includes the right of every citizen to use force to defend one's self from assault.

### ii. Right to Liberty:-

This right endows every citizen with the privilege to freely exercise his inner faculties without let or hindrance. This right also involves freedom from arbitrary arrest or detention. Every citizen will have the right to move the court for necessary redress if his right to liberty is arbitrarily restricted. Eventually, during war or emergency crisis and some restrictions are generally put on the exercise of this right.

### iii. Right to Education:-

This is very important of every citizen in any modern democratic states. The right to education means a minimum and not identical intellectual training for all citizens. The right to education has been recognised in every enlightened state. According to Harold Laski says, the citizen has the right to such education as will fit him for

the tasks of citizenship. Every citizen has the right to education. It is noted that education builds a good citizen. Every citizen must be given minimum education for the enhancement of human knowledge and skill.

#### **iv. Right to Property:-**

Right to property means the freedom of unfettered use and enjoyment of one's property. It also includes the right to make a gift of or to bequeath property. Modern political thinking is critical about this right. This criticism is based on the logic that the ideal of social justice and equality is unattainable without a total denial of this right. Besides, property introduces undesirable money-pressure in politics which in turn corrupts the source of body politic. Moreover, property inculcates the virtue of diligence and thrift.

#### **v. Right to Religion:-**

In the secular states of today the right to worship and pursue any religion one likes and to perform the necessary religious rites is the fundamental privilege of every citizen. The state is neutral between religious faiths and leaves religion to individual choice. Article 25 of the Indian constitution recognises the right of every person to "profess, practise and propagate religion." But the state reserves the right to regulate the activities of the religious institutions if the latter indulge in unsocial practices or communal disturbances endangering the integrity of the state.

#### **vi. Right to Freedom of Thought and Expression:-**

Freedom of thought is indispensable for the development of personality. The working of democratic institutions requires the right of the citizen to express his thoughts in speech or writings. Any arbitrary curtailment of this freedom is fatal to the spirit of democracy. Moreover, in order that the policy of the government may embody public opinion, the citizens should be endowed with this freedom. According to MacIver says: "The state should not use any force to suppress opinion. Opinion can be fought only by opinion. Only thus it is possible for truth to be revealed."

#### **vii. Right to Freedom of Association:-**

Modern society is viewed as a web of associations. The group or association is the focal point of the contemporary social structure. In the complex society of to-day an isolated individual is unable to protect himself from diverse socio-political assaults. Only through some well-knit

group he can gather the necessary collective strength to protect himself and at the time, to make his views and needs articulate. In consequence, it is necessary for the citizen to form associations and groups. The right to association is one of the fundamental rights in modern democratic states.

#### **ix. Right to Equality:-**

Under this right all the citizens are equal in the eye of the law. The state shall not discriminate between citizens inter se on grounds of caste, creed, colour, wealth, or sex. Hence, the right to equality is recognised by the fundamental law of almost every democratic state. But this does not deny the state the right to offer some extra privileges to the depressed sections of the community or to provide for special treatment of certain classes of people such as women and children.

#### **Economic Rights:-**

It is only in present times that the significance of economic rights has been recognised. It is said that political and civil rights are meaningless without economic rights. Eventually, without these rights political and civil rights have no meaning. Economic rights are three in number as follows:-

##### **i. The Right to work:-**

The importance of the right to work lies in the fact that it is only when a person has been given some work that he gets an opportunity to show his worth. The personality of an individual finds expression in his work. The right to work actually means the right to be occupied in producing a part of those goods and commodities which are useful for society.

##### **ii. The right to adequate wages:-**

Every citizen must have the right to adequate wages. This right means all those who work must be given sufficient wages to maintain themselves. Such a proposition is impossible and impracticable. What this right means is that all those who work must be given sufficient wages to maintain themselves. The wages of a worker must be sufficient to enable him to live reasonably well.

##### **iii. Right to reasonable hours of work:-**

All citizens have the right to reasonable hours of work. No individual should be made to work for long hours as was the case during the nineteenth century in England and other countries as well.

### **Political Rights:-**

Active participation and cooperation of the citizens are integral part of the any democratic system. Political rights are the bed-rock of a democratic policy. They provide the will of the people “channels of direct access to the sources of authority.” Some of the principles of political rights are as follows:-

### **Right to Vote:-**

The right to a free choice of the rulers is the proud privilege which every citizen enjoys in a democratic state. This freedom is exercised through the possession of the privilege of participating in the election of the government. Hence, in every democratic state the people are granted the right to vote. Of course, exception is made in case of minor, lunatics, certain criminal and aliens.

### **Right to Stand in Election:-**

This right is complementary to the right to vote. Participation in the country’s political process involves both the right to vote and the right to stand in election. Hence, in a democratic state every citizen is endowed with the privilege of contesting election to the legislature. But this right should be made conditional by laying down certain tests.

### **Right to Public Office:-**

It implies equal opportunities for all citizens in respect of public offices. Every citizen has an inalienable right to hold the highest office of the state. The state shall not discriminate between citizens in this respect on grounds of nationality, religion, colour, wealth or sex. Discrimination unjustified by wider canons of social justice is the very antithesis of democracy.

### **Right to Petition:-**

In democracy the rulers are chosen by the great mass of the people. Hence, the government must always be alive to the legitimate grievances of the people and must take appropriate means for their redress. The citizens in a democratic state are competent to address, individually or collectively, the executive or the legislature, petitions embodying their felt desire and grievances.

### **Duties of a Citizen:-**

The state, by guaranteeing the rights of a citizen, assists him in the development of his personality. Without this legal sanction rights become mere unenforceable claims. The citizen, if he has to enjoy the rights, must also discharge some specific duties to the state. Rights and duties are correlative. In the constitution of U.S.S.R. the

duties of citizens are expressly stated. In the democratic constitutions of U.S.A. and India they are left to the civic sense of the people. The major duties are as follows:

### **Allegiance to the state:-**

It means that the citizen must stand by the state in the hour of its crisis. It is the duty of every citizen to assist the state in maintaining its territorial sovereignty from external aggression and in preserving internal peace and order. This duty implies a moral responsibility of every citizen to defend the state even at the price of his life. To enforce this duty, in some states military service for the citizen has been made compulsory during war.

### **To Obey Laws:-**

In representative democracy of today laws are made generally in conformity with the prevalent opinion of the community and they aim at common social welfare. It is the duty of every citizen to obey the laws of his state. Violation of laws produces a condition of anarchy which reduces good living to a marginal experience.

### **To Honestly Exercise the Right to Vote and Hold Public Office:-**

In democracy the right to choose the governors of the state is vested in the people. The right to vote is thus a necessary adjunct to democratic system. The quality of government depends upon how this right is exercised. The voters must possess the power of assessing the intrinsic value of rival ideologies and leadership. In other words, they must their privilege of selecting the rulers of the country with judgement, understanding and honesty. Similarly, the persons who are installed in public offices must be equal to the trust reposed in them. They must render service with responsibility and honesty.

### **To Pay Taxes:-**

The transformation of order state into welfare state in the present century has immensely extended the sphere of state activities. Government today is duty-bound to varied services. Consequently, the expenditure of the government has considerably increased. The huge sum of money to finance the various items of governmental expenditure mostly comes from taxes levied on persons and commodities. Taxes are compulsory contributions. It is the duty of the citizen to pay taxes honestly. The practice of evasion depletes the national purse, and the rendering of services suffers in consequence.

### Relationship between Rights and Duties:-

The relationship between the rights and duties are very close. According to Harold Laski, some important points of relationship between the rights and duties. These rights are as follows:-

#### Firstly:-

The right of one is related to the duty of the other. If one has the right, the other has the duty related to that right. If one enjoys the right, it becomes the duty of the other not to prove an obstacle in the enjoyment of his right. For instance, if I enjoy the right to life it is the duty of other not to cause any harm to my life.

#### Secondly:-

The duty of the one is the right of the other and vice versa. If I possess rights, I owe duties also. If the other has the right to life and security, it is our duty that I should not cause any harm to his life and security. To give proper respect and regard to the rights to the rights of others is our duty.

#### Thirdly:-

If the state protects me in the enjoyment of my rights, it becomes my cardinal duty to serve the state in full spirit. If rights spring to us from the state, it becomes our duty to perform certain duties towards the state. If the state protects us, it becomes our cardinal duty that we should pay taxes regularly and should remain faithful and loyal to the state.

Hence, it is clear that rights and duties are closely related to each other and they cannot be separated from each other. If we have the right to make the use of roads for our vehicles, it becomes, at the same time, our duty that we should keep to the so as to avoid accidents. So relationship between the rights and duties are very close and both are inseparable. They are the two sides of the same coin.

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