

RIGHTS AND DUTIES

The main aim of modern states is to provide more and more facilities to its citizens and to improve their living standard and to make their lives more comfortable and happy. To achieve this aim, state provides many facilities which are termed as Rights. Popularity and the development of the state is known by the rights it provides to its citizens. The state which provides more rights is termed as a good state. Prof. Laski has aptly said, "*The state is known by the rights it maintains.*"

Rights are necessary conditions for the personal, social, economic, political, moral and intellectual development of individual and along with the development of individual it ensure social development also. In brief, we can say that rights are an environment which makes possible the development of individual along with the development of the society.

TWO ASPECTS OF RIGHTS

There are two aspects of Rights— I. **Personal Aspect** and II. **Social Aspect**.

I. Personal Aspect—By personal aspect we mean that the rights are essential for the personal development of an individual such as- Right to Work, Right to Education, Right to Family Life etc. *eg.*

II. Social Aspect—By social aspect of rights we mean that rights are linked with the social development, so individual should make use of his rights keeping in mind the social interests. For example, in democracy the people are given the right to speech and expression, but this does not mean that this right should be used to throw mud on others or to abuse others. In brief, there is a close relationship between the personal and social aspect of rights.

MEANING AND DEFINITIONS OF RIGHTS

To explain the concept of rights, many political scientists have given different definitions, which are written below :

According to **Wilde**, "*A right is a reasonable claim to the freedom as the exercise of certain activities.*"

According to **Srinivas Shastri**, "*In its essence a right is an instrument, role or practice sanctioned by the law of the community and conducive to the highest moral good of the citizens.*"

According to **T.H. Green**, "*Rights are those powers which are necessary for the fulfilment of man's vocation as moral being.*"

According to **Austin**, "Rights mean one man's capacity of exacting from another an act of forbearance."

According to **Salmond**, "A right is an interest protected by a rule of right (justice). It is an interest, the respect for which is duty and violation of which is wrong."

According to **Holland**, "Right is one man's capacity of influencing the acts of another by means not of his own strength but of the opinion or the force of the society."

According to **Bosanquet**, "A right is a claim recognized by the society and enforced by the state."

According to **Prof. Laski** "Rights are those conditions of social life without which no man can seek to be himself at his best."

According to **Dr. Beni Prasad**, "Rights are nothing more and nothing less than those social conditions which are necessary or favourable to the development of personality."

Conclusion : After reading above definitions, we can conclude that rights are those claims which are necessary for the growth of individuals. Society gives recognition to these claims and the state enforces these. In these days, an individual can enjoy only those rights which are given by the state. Today, therefore, the state is the only source of rights and the state is also the guardian of rights.

NATURE AND CHARACTERISTICS OF RIGHTS

Following are the main characteristics of Rights :

1. Rights are possible only in the Society—The first main characteristic of rights is that it can only be enjoyed in the society. Without society, we cannot even think of rights. A man living outside in the society or acting against the social principles cannot have any right. It is not his right but his power.

2. Rights are the claims of the Individual—According to **Wilde**, rights are individual's claims. He can ask for it in the present states. When anybody tries to take away his rights, he is punished by the law. Rights are protected by the law and judiciary.

3. Rights are recognized and enforced by the State—Rights are recognized by the state. The rights which are sanctioned by the society are included into the constitution. They are determined by the law of the state. Violation of the law invites punishment. In other words, we can say that rights cannot be enforced without the sanctions of the state.

4. Rights are recognized by the Society—Individual's demands ultimately turn into rights which get the sanction of the society. These demands are accepted as rights by the society. Public welfare is the main motive behind these demands. A person cannot use his rights against the welfare of the society.

5. Rights are not Absolute—Rights are never absolute because—(i) We can enjoy only those rights which are sanctioned by the society and enforced by the state, (ii) We cannot exercise rights against public welfare and (iii) State can limit any right, keeping in

view of the public welfare and the welfare of the state. In short, we can say that rights can be enjoyed within certain limits.

6. Rights are equal for All—Rights are equal for all the people living in the state and make no discrimination on the basis of their caste, creed, religion and race etc. In other words, rights make no discrimination between rich and the poor, high and low, black and white, weak and powerful etc. The purpose of rights is to provide equal opportunities of development to all living in the state. This is also known as the universal nature of rights.

7. Rights are bound with Duties—There is a close relationship between rights and duties. They are two sides of the same coin. One person's right is another's duty and vice-versa. In short, my duties are his rights and my rights are his duties.

8. Rights keep on Changing—Rights keep on changing with time, circumstances and durability. In emergency, rights can be limited in India. In democratic countries, citizens enjoy more rights than dictatorship or than in totalitarian states. Moreover, every state tries to give more and more rights to its citizens according to its capacity.

9. Rights can be used for Social Good—Rights are not individual's personal demands only but its motive is much higher. The question of welfare is involved in it. Rights are the product of the society and so rights are used for the good of the society and public good. Individual has to make a balance between personal and social benefits. According to Asirvatham, "All rights must in the last resort, be relative to some common or moral good."

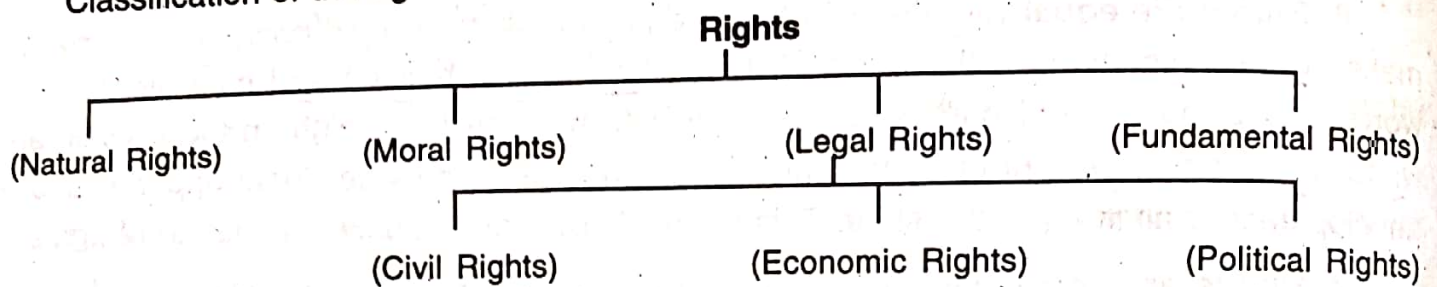
10. Rights are moral and Reasonable—Only those demands are considered rights which are moral, reasonable and good for the society. The demand which is immoral or unreasonable is not accepted by the society. For example, stealing, telling a lie and gambling etc cannot become rights.

11. Welfare nature of Rights—Rights should be of welfare nature meaning by the rights should not only be related with the personal development of an individual rather these should be related with the development of the entire society. A particular condition may be good for the personal development of an individual but in case the same is not in consonance with the interests of society or is against social development then such a condition cannot be accepted as a right. In brief, the rights should be in accordance with the general welfare of the society.

Conclusion : After reading the views written above, we can say that rights are the reasonable claims of an individual which are recognized by the society and are enforced by the state. Rights are equal for all and make no distinction among the people on the basis of their caste, colour, creed, religion etc. But we must remember that the rights are not absolute and can be enjoyed in consonance to the interests of the society.

CLASSIFICATION OR KINDS OF RIGHTS

Classification of the rights can be done as following :



From the above graph, it is clear that rights can be divided into four major categories :

1. Natural Rights—According to few intellectuals, man is given few rights by the nature and those rights are called natural rights. According to **John Locke**, before the emergence of the state man was living in the state of nature and he enjoyed many rights. These were natural rights. State cannot withdraw these rights rather it protects them.

But in modern age, the concept of Natural Rights is not accepted because rights cannot be enjoyed outside the society and the state. Individual can enjoy only those rights which are sanctioned by the state.

2. Moral Rights—Rights which are based on the morality of the society are called moral rights. These rights are backed by the morality of the society. This is the moral right of old parents to make use of the services of their children. But if the children do not look after their old parents they cannot ask for any legal actions. These rights are neither accepted by the state nor rejected by it and there is only the sanction of political opinion behind these.

3. Fundamental Rights—In democracy, the rights which are necessary for the all round growth of an individual are called Fundamental rights. These rights are included in the constitution of the state. Judiciary protects these rights. Fundamental rights were first included in the constitution of United States of America. After this, the fundamental rights were included in the Wiemar Constitution of Germany, Irish Constitution of 1922, and Soviet Constitution of 1936. But after Second World War the Fundamental Rights were included into the constitution of Japan, China, India, Pakistan and Sri Lanka etc. Today, the inclusion of rights in the constitution is the sign of a democratic and good constitution. The citizens can go to courts for the protection of Fundamental Rights.

The following Fundamental Rights have been included in the Indian Constitution :

1. Right to Equality
2. Right to Freedom
3. Right against Exploitation
4. Right to Religious Freedom
5. Cultural and Educational Rights
6. Right to Constitutional Remedies.

4. Legal Rights—Legal rights are those rights which are legally given to citizens and which are protected by the courts. According to **Leacock**, "A legal right is a privilege enjoyed by a citizen against fellow citizens, granted by the sovereign power of the state and upheld by that power."

Legal Rights can be subdivided into three categories :

1. Civil Rights
2. Economic Rights
3. Political Rights

Now we will discuss these rights in detail :

1. CIVIL RIGHTS

These rights are necessary for the all round growth of individual and we cannot think of a civilized life without these rights. These are given to each and every member of the state.

The brief description of civil rights is given below :

1. Right to Life—Right to life is the basic need of every human being. Without right to life, we cannot dream of civilized society and the state. If the state will not protect the lives of its citizens then the citizens will always feel insecure. **Prof. Laski** has aptly said, "If human being is not provided right to life, his whole life will be spent in saving himself." To protect the right to life, individual is given right to self-defence. For defending self, no punishment is given. In the same way, state does not permit anybody to commit suicide. For the protection of human lives state performs many functions. But many times, state withdraws this right and gives death sentence also.

Life of the individual is not for his self only, it is for the society also, therefore, an individual do not have the right to commit suicide. According to **Thomas Aquinas**, "Suicide is an offence against oneself, one's community and God himself."

2. Right to Family—To maintain and carry out the human race, right to family life is very necessary. Every state gives protection to this right. Man can marry according to his own choice. He can bear children. This right fulfils man's sexual desires also but this right can be enjoyed within the framework of society. To achieve better results government makes laws regarding marriages, divorce, the number of wives a man can have and the distribution of property.

3. Right to Personal Freedom—Right to personal freedom is an essence of human life, because without this the development of the individual life is not possible. An individual must get personal freedom for the development of his mental and physical faculties. While expressing his views about personal freedom, **Laski** has said, "It implies the power to expand the choice of individual of his own way of life without imposed restrictions."

4. Right to Education—Right to education is necessary for bringing consciousness and awareness among the citizens. Man can enjoy his rights and perform his duties only when he is aware of his rights. Education gives the knowledge of rights and duties. To achieve

this purpose, state not only provides right of education but also tries to expand the scope of education. For technical education colleges are opened. Financial aid is given to the poor and deserving students. Free education is also given to students. Reading Rooms and Libraries are constructed in the cities and villages.

5. Right to Religious Freedom—In democratic countries, man is given right to religious freedom. Under this right, man has freedom to adopt any religion and propagate his religion. Freedom is given to construct temples and gurdwaras. State cannot impose any religion on any man. But socialist countries give no due considerations to religious freedom.

6. Right to Equality—Right to equality means that there will be no discrimination on the basis of caste, community or status in the society. Equal rights are given to everybody in all the spheres of life. There will be no discrimination on the basis of language, caste, sex and economic position. This is the corner stone of democratic state.

7. Right to Freedom of Thought and Expression—Right to speak is a normal right and without this right, no conversation can take place. Man is given the right to express his thoughts either orally or in writing. This right is gaining more and more credibility in the democratic countries. Socrates considers right to express his thoughts essential and better than right to live. Milton has aptly said, "Give me the liberty to utter and argue freely according to the conscience above all other liberties." Regarding the right to freedom of thought and expression, MacIver has said, "The state should not use force to suppress opinions. Opinions can be fought only by opinions. Only thus, it is possible for truth to be revealed." Suppression of thought and expression can result into revolution.

8. Right to Freedom of Movement—Every citizen is free to move freely. Right to move freely provides opportunities to an individual to make his life better. Wherever an individual finds opportunities to make his life better, he moves to that place. Apart from this, with this right an individual gets an opportunity to understand his surroundings. The state also gives right to go abroad. In case this right is not provided, the life of the individual will be like of the life of a frog in the well. But keeping in mind the security of the state and public order an individual is not allowed to visit certain places.

9. Right to Press—Press is considered as the guardian of human rights. Right to press means citizens are free to express their views through books, newspapers and magazines. These sources mould public opinion and bring political awareness among citizens. Through press the people get an opportunity to place their grievances before the government. Because of the freedom of press, many scams have been unearthed. But the government can put reasonable limitations on the freedom of press.

10. Right to secure Justice—To provide justice to poor against exploitation and right to secure justice is provided by the state. Many rights will come to nothing if right to secure justice is withdrawn from citizens. Constitution provides us right to secure justice and to complaint against injustice. The society in which an individual does not have the right to get justice is an uncivilized society and the situation of might is right prevails.

11. Right to form Associations—To fulfil different necessities of life, man forms many associations. Associations can be political, economic, social or cultural. State recognizes these associations. To fulfil his needs man can become member of any association. But state does not allow to form associations which are anti-national. State can ban such associations.

12. Right to Contract—For the protection and promotion of his interests an individual has freedom to enter into contract with other individuals, institutions and associations etc. It strengthens mutual relations. This is the reason that zamindars and farmers, industrialists and the labourers, money lenders and borrowers and the people who do joint business enter into written contracts which are authenticated by the state and the state protects such contracts also. But in view of public interests the state can put limitation on the right to contract. According to Indian constitution, to take Begar, human trafficking or to misuse the children who are below 14 years of age in factories etc is prohibited and no contract can be made for this.

13. Right to Freedom in domestic Matters—Every individual has the right to live his domestic life according to his wishes. He has freedom in the field of the upbringing of his children and to eat and dress. But no individual has the right to misuse his domestic freedom. If need arises, the state can regulate the domestic freedom also. In China no married couple is allowed to produce more than one child and in Malaysia no man is allowed to keep long hairs.

14. Right to Social Security—The people get right to social security in case of old age, sickness or in case of becoming handicap to work. In such a situation provisions are made for the fulfilment of the basic economic needs of an individual and in case of sickness one is provided medical help. The present day welfare state is concerned with the development of the total life of an individual.

15. Right to Service — Today many of the states have provided the right to get various services within fixed time and for this purpose, laws have also been passed. Under such laws time has been fixed to get services and the concerned official is bound to provide particular service within that time and in case he fails to do so, he has to give reason otherwise legal action is taken against him. Such laws have been passed by the state of Bihar, Punjab and Gujrat etc in India.

2. ECONOMIC RIGHTS

Economic rights enable the individual to earn his livelihood and these differ from state to state. The economic rights can be divided into the following kinds—

1. Right to Work—Every state provides its citizens the right to work according to his own choice. Employment is necessary for living a better life. Man works in order to feed his own family and himself. Many developed states have included the right to work in its fundamental rights. In former Soviet Union, every citizen was given this right. But this does not mean that other states do not try to provide work to its unemployed citizens. Every state

according to its capacity tries to provide work to its citizens. They create many jobs by establishing new factories and industries. State also fixes the maximum hours to work. But it prevents to do those works which are against the security and welfare of the state.

2. Right to adequate Wages—Man does not demand job only but adequate wages also. If a man is given adequate wages he will take much interest in his work. It will increase not only production but his economic condition also. According to **Laski**, "A man has not only the right to work, he has the right to be paid adequate wages for his labour." State fixes minimum wages for labourers.

3. Right to Property—Right to property is the most controversial right. **Aristotle** and **Locke** were against this right. **Karl Marx** regarded property as means of exploitation and said that it was collected by wrong means. For this matter, socialist countries are against this right. But we should not forget that the right to property has influenced the culture and civilizations of every state. State can limit the right to property if it affects the public welfare.

4. Right to Rest and Leisure—Modern state also provides right to leisure because man is not a machine which can work continuously. To achieve this purpose, state limits the working hours and makes provisions of vacations. Rest houses are constructed in factories and industries etc for the labourers.

5. Right to Economic Security—Right to Economic Security is the corner stone of modern welfare states. This right includes economic security in old age, in illness, and unemployment etc. Many welfare states give pension in old age. It also gives unemployment allowance.

6. Right to fixed hours of Works—With the purpose to save the labourers from the exploitation of the capitalists, the working hours of the labourers are fixed by the state and for the extra hours of work they are paid extra. If this was not done the labourers will be exploited by the rich.

3. POLITICAL RIGHTS

The political rights enable the citizens to take part in the affairs (administration) of the state. But these rights are given to citizens alone. Following are the important Political Rights—

1. Right to Vote—In democracy, the supreme power of the state is vested among the people and the people make use of this power through their representatives who are elected on the basis of the universal adult franchise. To achieve this purpose, without making any discrimination on the basis of caste, colour, creed or religion etc, every adult is given the right to vote. This way this right is the foundation of democracy. But to get the right to vote a few qualifications are fixed by the state and an individual who fulfils these qualifications is given the right to vote. This valuable right is not given to insane, criminals, bankrupts and minors etc. For exercising the right to vote age is fixed and whosoever attains that age is given the right to vote. In England, USA and India, the right to vote is given on attaining 18 years of age.

2. Right to Contest Election—In democracy, an individual is a ruler as well as ruled. Along with the right to vote, a citizen is given the right to get elected also. Every citizen who fulfils the required qualifications can contest election to become the member of representative bodies such as Parliament, State Legislative Assemblies, Municipal Councils, Panchayats and Local Self Bodies etc. But the persons who do not fulfil the required qualifications are not given the right to contest election. For contesting election, age is also fixed as in India for becoming the member of Lok Sabha and State Legislative Assemblies, the age is 25 years and for the office of President and Vice-President, it is fixed 35 years.

3. Right to hold Public Offices—In the state there are many administrative, judicial and political offices which are open to all the eligible citizens. No discrimination is made among the people on the basis of their caste, religion, gender, colour, race etc. But different qualifications are fixed for different offices and to some offices recruitment is made through open competitive examinations. Apart from this, the constitution of India provides for reservation of seats for Scheduled Castes, Scheduled Tribes and Backward Classes etc.

4. Right to form Political Parties and Associations Etc.—In democracy, the people get the right to form political parties and various associations etc. The people who have common political ideas or are committed to a particular ideology, join together and form a political party. Through political parties they do various political activities such as they contest elections, form government after winning the elections, the opposition parties criticize the government, bring political enlightenment among the citizens etc. The people also form various associations for the fulfilment of their different needs. But they are not allowed to form any such political party or association which is harmful to general public interests or the interests of the nation.

5. Right to Petition—In democracy, the people do have the right to petition for the redressal of their grievances. Collectively or individually they can prepare the list of their grievances and place the same before the concerned officials. The officials pay special attention to the complaints of the people and also try to redress the same.

6. Right to Criticize the Government—In democracy the people do have the right to criticize the actions and policies of the government. From time to time, the people express their reaction against the actions of the government through newspapers, magazines, public assemblies, protest marches etc. This way they try to make the government responsible also. If such a right is not granted to the people, the government can become irresponsible and absolute and may act arbitrarily. In democracy, the people should be provided maximum opportunities to criticise the government as responsible criticism is the life of democracy.

7. Right to protection in other Countries—Today so many citizens go to other countries for getting education or to do business or just for leisure or in search of employment. It is the responsibility of the state to provide them security even in other countries. Every

state has its embassies in other countries and whenever any citizen faces any problem in other country he or she can establish contact with the embassy in that country which will take care of his/her problems.

8. Right to Information—Including India about twenty countries of the world have provided the right to information to its citizens who can get information from the government. The Supreme Court of India has included the right to information in the list of the Fundamental Rights. It brings transparency in the administration and the administration becomes responsible.

Apart from the rights written above, the right to freedom of speech, the right to press and the right to become the member of various associations etc which we have studied in the list of Civil Rights can also be included in the category of political rights.

DUTIES

What is Duty ?

The word 'Duty' has been derived from the word 'Debt' which means loan. Thus, duty is a kind of loan which citizen pays in return of his rights. It is an obligation. A man is said to have a duty in any matter when he is under an obligation to do or not to do something. Duty is something we owe to others as social being. In other words, we can say that every individual has certain responsibilities towards self, towards society and towards the state and these responsibilities are known as Duties. In the words of former President **Dr. Zakir Hussain**, "*Duty is not dumb obedience, it is an active desire to fulfil obligations and responsibilities.*"

CLASSIFICATION OF DUTIES

Duties can be classified into three categories :

I. Moral Duties, II. Legal Duties and III. Fundamental Duties.

I. MORAL DUTIES

Moral duties are based on the accepted moral assumptions of the society and to obey these is good for the individual and the society. To respect the elders, to love the younger, to serve the parents, to help the deprived section of society and to behave in a decent manner with others etc are the moral duties of an individual. But if one does not perform his moral duties, he or she cannot be compelled to do so because there is no legal sanction behind the moral duties. To perform or not to perform moral duties depends upon the will of an individual. Following are some of the important moral duties—

1. Duties towards One's Self

Every person has certain duties towards self such as :

I. Character Building—To develop one's character is everybody's moral duty because only a person of high moral character can contribute positively to the well-being of the community.

II. Self-control—It is the duty of everybody to make self control, the principle of his life.

III. Good Health—'A sound mind in a sound body' is the golden principle, therefore, it is the duty of everybody to pay proper attention towards his physical fitness.

IV. Honesty—It is also the moral duty of everybody to make honesty the guiding principle of his life. Only an honest man can become an ideal citizen.

V. Truthfulness—To speak truth is the moral duty of everybody because Truth is God and God is Truth.

VI. To get Education—Education helps man in his mental and intellectual development. Therefore, it is the moral duty of everybody to get education.

VII. To earn One's Livelihood—It is the duty of everybody to make efforts to earn his livelihood.

VIII. Simple living and high Thinking—One should believe in the principle of simple living and high thinking.

IX. Disciplined daily Life—It is also the duty of everybody to lead a disciplined life.

X. Progressive Outlook—It is also the duty of everybody to have a progressive outlook which will help him to grow. It will also be helpful in the development of the society.

XI. Hard work—Hard work is key to success, therefore, it is also the moral duty of everybody to work hard.

2. Moral Duties towards Family

Every individual has some moral duties towards his family such as :

I. Obedience—This is the duty of every individual to obey the orders of the senior members of his family.

II. Ideal atmosphere in Home—Every individual should help to create an ideal atmosphere in the home.

III. Procreation of Children—To sustain the human race, children should be produced. Therefore, to produce children is the moral duty of parents.

IV. To take care of the health of Others—To look after the health of the other members of family is the duty of an individual.

V. Fulfilment of the Needs—To pay proper attention to the fulfilment of the various needs of the family, is the moral duty of every individual.

VI. Family Planning—Growing population is a serious problem in these days, therefore, every individual should plan his family.

VII. Saving—One should save money to fulfil the future needs of his family.

VIII. To provide education to his Children—It is the moral duty of every parent to provide proper and adequate facilities to their children to get education.

IX. To look after the old Parents—This is also the moral duty of the children to look after their old parents and to fulfil their needs. In China, it is the legal duty of the citizens to look after their old parents.

X. To bring fame to the Family—One should always do such actions which bring fame and glory to the names of his family.

3. Moral duties Towards Society

Man gets most of the things from society, therefore, he owes certain duties to society such as:

I. Social Service—One should always have the sense of social service and devote himself to social service.

II. To keep the surroundings Clean—To keep his surroundings clean is the duty of every individual.

III. To eradicate social Evils—Social evils are a curse to the society, therefore, everybody should help in removing these evils.

IV. Co-operation—One should always be ready to co-operate with others.

V. To spread love among Others—One should always try to spread love in the society. This will help in making the society beautiful.

VI. Help in arresting Criminals—One should always be ready to help the authorities in apprehending the criminals.

VII. Development of Village and City—One should always play a positive role in the development of his village and city wherever he lives.

VIII. To join others in Sorrows and Happiness—To join in the sorrows and happiness of the neighbours, is also the moral duty of an individual.

IX. To have Compassion—One should always have compassion for others and be ready to help them if there is a need.

4. Moral Duties towards Humanity

Man is a social animal and he is member of the whole humanity. Therefore, he has certain duties towards humanity such as :

I. Not to Discriminate : Not to discriminate among people, is the moral duty of every individual.

II. To help in the maintenance of world Peace—World peace is the need of the time, therefore, everybody should play his role in the maintenance of world peace.

III. To rise above blind Nationalism—To be nationalist is a very good quality, but blind nationalism is an evil. Therefore, it is the duty of everybody to rise above the sense of narrow nationalism.

IV. To help the Poor—One should always be ready to help the poor.

V. Sense of World Citizenship—One should always think of himself as the citizen of the whole world.

II. LEGAL DUTIES

The duties which are enjoined on citizens by the law of the state and are enforceable by courts, are known as legal duties. Failure to perform legal duties is punishable. It is my duty to obey the laws of the state. If I do not, I can be punished accordingly. Important legal duties are mentioned below :

1. Loyalty towards the State—It is the basic duty of every citizen to be loyal to the state. He should always be ready to offer his services to the state. It is also his duty to defend the state against all enemies and dangers and to assist in the maintenance of peace and order.

2. Obedience to Laws—Obedience to laws is the legal duty of every citizen. Laws are made by the state to run its administration peacefully and efficiently. In the absence of laws, there will be anarchy. If the citizens do not obey laws, the maintenance of law and order is not possible, in case the laws are not obeyed state gives punishment.

3. Respect of the Constitution—Constitution is the supreme law of the country and it is the duty of everybody to respect it. Constitution can be amended through constitutional means.

4. Respect for the National Flag—It is also the duty of every citizen to respect the national flag. In India, it is the legal duty of every citizen to respect the national flag otherwise one year's imprisonment can be given to an offender.

5. Payment of Taxes—To do different sort of functions state needs money which is collected from the people in form of taxes. So to pay taxes honestly, is the duty of every citizen otherwise state won't be able to do welfare functions.

6. Proper use of right to Vote—In democratic state every adult has the right to vote. It is the most sacred right and it is also the duty of every citizen to make a proper use of it. Through the exercise of this right citizens elect their representatives who form government. So citizens should vote for the right candidates.

7. Military Service—It is the army which protects the state from external invasions and also maintains law and order within the state when called for. In some countries military service is made compulsory and in some countries able bodied citizens are asked to do this service in case there is war or some emergency. So it is the duty of every citizen to do this service when it is needed.

8. Co-operation with the Government—It is also the duty of every citizen to co-operate with the government in running the administration, and in the maintenance of law and order. One should also co-operate in apprehending the culprits otherwise it may not be possible for the state to run the administration efficiently. It is also the legal duty of the citizens to help the state during natural calamities like floods, draught, earthquake and famine etc.

9. Protection of Public Property—Railways, buses, post offices and all other government buildings are public property and it is the legal duty of every citizen to protect it. Harm to the Public property is loss of the people. So protection of it is our interest.

In brief, we can say that there is sanction of the state behind legal duties and by laws the state gets these enforced. All the citizens of the state are bound to obey the legal duties and anybody who violates the legal duties gets punishment.

III. FUNDAMENTAL DUTIES

The duties which are essential for the development of an individual and for the welfare of society are known as Fundamental Duties. Besides this, the duties which are included in the constitution which is the highest law of the country are also known as Fundamental Duties. Generally in democratic states fundamental rights of an individual are included in the constitution whereas duties are not included because the general notion is that alongwith rights duties come automatically. Yet provision of duties has been made in the constitutions of a few countries and China was the first communist country to include duties into the constitution. The fundamental duties were included into the constitution of India through 42nd Amendment made in 1976.

RELATION BETWEEN RIGHTS AND DUTIES
OR
RIGHTS AND DUTIES ARE CO-RELATED
OR

RIGHTS AND DUTIES ARE TWO SIDES OF THE SAME COIN

Rights and Duties are closely related and in return of every right we have to discharge some duties. If we do not discharge our duties properly, our rights become meaningless. They are two sides of the same coin and always go together as two lines of the railway track or two banks of a canal. They are as closely related as man and his shadow or body and soul. In the words of **Wilde**, "*It is only in the world of duties that rights have significance.*" According to **V.S. Shastri**, "*Rights and duties are the same thing looked at from two different points.*" **Dr. Beni Prasad** also says, "*They are two aspects of the same thing. If one looks at them from one's own stand point, they are rights and if one looks at them from the stand point of others, they are duties.*"

While expressing his views about the close relations between rights and duties, **Mahatma Gandhi** also said that give only duties and they will get rights automatically. **Duguit** also says, "*In welfare state, there are only duties not rights.*"

Before explaining the relations between rights and duties further it is essential to know the meaning of rights and duties.

Meaning of Rights—Rights are those conditions of social life which are recognized by the society and enforced by the state. Rights are those claims of an individual which he must get and in case these get violated he can go to courts. Rights are universal and every citizen of the state gets these. But these are not absolute as these can be enjoyed within certain limitations. According to **Laski** "*Rights are those conditions of social life without which no man can seek himself to be at his best.*"

Meaning of Duty—When doing or not doing something is not up to us rather we have to do it that is known as duty. In return of every right we owe a duty.

RELATIONSHIP BETWEEN RIGHTS AND DUTIES

While expressing his views about mutual relations between rights and duties **Gandhiji** had said that one should pay more attention to the discharge of his duties and rights he will get automatically. Our problem is that we are more concerned about our rights and turn our face towards the performance of our duties as a result of which we are deprived of our rights.

While expressing his views about the relationship between Rights and Duties, **Prof. Laski** has said :

- I. "My right implies your duty."
- II. "My right implies my duty to admit a similar right of yours."
- III. "I shall exercise my right to promote social good."

IV. "Since the state guarantees and maintains my right, I have the duty to support the state." These views of Prof. Laski are explained under the following headings—

1. Rights and duties go Together—Rights and duties are closely related and cannot be separated from one another. They both go side by side and are the two sides of the same coin. If society provides an individual with opportunities to feel happy and prosperous, it also imposes an obligation on him that he should allow others the same opportunities of feeling happy and prosperous. If I have a right to work and earn my living it is my duty to recognize the same right to others and accede to them those conditions in which they can enjoy their right to work and earn their living. This is a simple but golden rule of social conduct; do unto others as you wish to be done to you. So, we come to the conclusion that rights and duties go together.

2. My right is Other's Duty—Rights can be enjoyed only in the world of duties. For every right there is corresponding duty and if the others do not discharge their duties properly, the rights become meaningless. Therefore, my right is other's duty. I can enjoy my right only if the others allow me to do the same. I have the right to life and it is the duty of others to protect my life and not to cause any harm to it.

3. My rights is my Duty Also—Rights are not the monopoly of any single individual. Everybody gets these equally. This means that others also have the same rights which I have and it is my duty to see that others also enjoy their rights. In this connection, Laski has rightly said that one man's right is one man's duty also. It is my duty to respect the rights of others. If I have the right to life others also have the same and 'live and let live' is a very meaningful saying. So it is my duty not to interfere in the life of others. I have the right to freedom of religion, it is my duty also not to interfere in the religious affairs of others. A famous Chinese philosopher Confucious has rightly said, "If you wish that others should not misbehave with you, you should not also misbehave with them."

4. Rights should be used for social Good—Rights are not only important for an individual these have their social relevance also. The interest of a single individual cannot be separated from the interest of the society. Therefore, while enjoying rights we should always try to promote social interests. Rights are recognized by society and can be enjoyed only in society. Therefore, it becomes our duty to use our rights to promote the welfare of the society as a whole. According to Laski, "The Test of rights is their utility. The utility of a right is therefore its value to all the members of the society."

5. Duty towards the State—Rights are enforced and protected by the state and in the absence of the state there can be no rights. Since state protects and enforces our rights, it also becomes our duty to be loyal to the state. It is our duty to obey the laws of the state and to pay taxes honestly. We should always be ready to defend the state because if the state is not safe, our rights are also not safe. According to Laski, "Since the state guarantees and maintains my rights, I have the duty to support the state."

6. Rights without Duties are mere Powers—In the absence of duties, rights are mere powers because rights without duties give freedom to man to do whatever he desires to do. But when the duties get combined with rights then the individual has to enjoy rights by living within the limits fixed by duties. In the olden times, the feudal lords used to collect revenue from the peasants but they used to do nothing for their welfare. But in these days, the

government collects taxes from the people and in return of this it provides so many services to them. While expressing his views in this regard, Dr. Beni Prasad has said, "In case each individual is concerned about his rights only and is not bothered about duties towards others then sooner no body's rights will be safe."

Conclusion—On the basis of the views discussed above, we draw the conclusion that rights and duties are closely related. In the absence of one the other becomes meaningless. According to Mahatma Gandhi, there is no need to give rights to individuals, give them duties and rights they will get automatically. These days people are more worried about their rights and they forget about their duties. But they forget that in the absence of duties, rights cannot be enjoyed. So if I want my rights to be safe, I must perform my duties honestly. Rights are possible only in the world of duties.

ESSAY TYPE QUESTIONS

1. What do you mean by Rights? Explain the different kinds of Rights.
(G.N.D.U. April, 2007, II Sem. 15,17,18)
2. Define the term Rights and discuss those rights that you think the modern state ought to maintain.

OR

Define Rights. Discuss in brief the rights being enjoyed by the citizens in modern state.
(G.N.D.U. April, 2012)

OR

Discuss the various Civil, Political and Economic Rights which are being enjoyed by the citizens in modern democratic state.
(G.N.D.U. April, 2005)

3. "Every state is known by the rights it maintains." What rights should be given to the citizens in modern democratic state ?
4. What do you mean by Duties ? Write down different kinds of Duties.
5. "Rights and Duties are co-related." Discuss. (G.N.D.U. II Sem. 2016) (P.U. April, 2005)

OR

"Rights imply Duties." Discuss.

OR

"Rights and Duties are the two sides of the same coin." Explain. (G.N.D.U. April, 2008)

OR

Explain the relations between Rights and Duties. (G.N.D.U. II Sem. 2014)

