

CUET · POLITICAL SCIENCE · CLASS XI · CODE 323

# Rights

CUET unit: Political Theory — Rights, Liberty, Equality and Justice

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## Snapshot

- A right is an "entitlement or justified claim" essential for a life of dignity and well-being.
- It traces the evolution of the idea from 17th–18th century **natural rights** (life, liberty, property) to the modern language of **human rights** anchored in human dignity (Kant) and the UN Universal Declaration of Human Rights, 1948.
- It distinguishes **legal/Fundamental Rights** (rights recognised by the Constitution and addressed primarily to the State) from moral/human rights claims.
- It classifies rights into **political, civil, economic and cultural** rights and ties each to democratic government.
- It closes with the **rights-responsibilities link**: rights are not absolute, are limited by equal rights of others, by the common good, and by the need to balance conflicting rights.

## Detailed Notes

### 2.1 Core concepts

In everyday life we routinely speak of rights — the right to vote, to form political parties, to contest elections — and newer claims have emerged such as the right to information, the right to clean air, and the right to safe drinking water (NCERT Overview, p. 67).

Rights are no longer claimed only in relation to political and public life; they are invoked in social and personal relationships and even on behalf of children, unborn foetuses and animals. The central questions are what we mean by rights, the basis on which they are claimed, and the purpose they serve.

A right is essentially an **entitlement or a justified claim** — what we are due as citizens, individuals and human beings, and which the rest of society must recognise as a legitimate claim that must be upheld (NCERT §5.1, p. 68). Rights are distinct from mere wants: I may want to wear my own clothes to school instead of the prescribed uniform, or I may want to stay out late at night, but this does not give me a **right** to dress as I please or to return home whenever I choose. There is a distinction between what I want and think I am entitled to, and what can be designated as a right (NCERT §5.1, p. 68).

Rights are primarily those claims that we, along with others, regard as necessary for leading a life of respect and dignity. Self-respect and dignity are the first ground of rights. The right to livelihood, for instance, may be considered necessary for a life of dignity: being gainfully employed gives a person economic independence and meets basic needs, leaving them free to pursue talents and interests. The right to freely express oneself is similarly important — it allows creativity in writing, dance, music or any other field and is also essential for democratic government because it allows the free expression of beliefs and opinions (NCERT §5.1, p. 68). Such rights as the right to livelihood and freedom of expression are described as universal in nature because they are important for all human beings who live in society.

A second ground for claiming rights is that they are necessary for our **well-being** and help individuals develop their talents and skills. The right to education, for example, develops our capacity to reason, gives us useful skills, and enables us to make informed life choices — this is why education is treated as a universal right (NCERT §5.1, p. 68). However, any activity injurious to one's health or well-being **cannot** be claimed as a right. Medical research has shown that prohibited drugs and tobacco harm the user; smoking can also harm others around the smoker and even change behaviour patterns, turning the smoker into a danger to other people. Therefore "smoking or taking banned drugs cannot be claimed as a right" (NCERT §5.1, p. 69).

Where do rights come from? In the seventeenth and eighteenth centuries, political theorists argued that rights are given by nature or God — they were **natural rights** derived from natural law and not conferred by any ruler or society. Because we are born with them, no state or organisation can take them away. They are therefore **inalienable**. The classical formulation identified **three natural rights of man — the right to life, liberty and property** — from which all other rights were said to be derived (NCERT §5.2, p. 69). The idea of natural rights, even more than the specific rights named, has been a "very powerful notion" because it implied that no government may take away what nature has given. It was widely used to oppose arbitrary state power and to safeguard individual freedom.

In recent years, however, the term **human rights** has come to be preferred over **natural rights**. The idea of a natural law laid down by nature or God appears unacceptable today; rights are now seen "as guarantees that human beings themselves seek or arrive at in order to lead a minimally good life" (NCERT §5.2, p. 69). The assumption behind human rights is that all persons are entitled to certain rights "simply because they are human beings"; as a human being, each person is unique and equally valuable, so all persons are equal and "no one is born to serve others" (NCERT §5.2, p. 69). This is reinforced by the boxed discussion of the eighteenth-century German philosopher **Immanuel Kant**, who held that every person possesses dignity — they have an **intrinsic value** that admits of no equivalent, unlike objects (such as a pen, a car, or a horse) which have a price and can be replaced by something else. To treat a person with dignity, Kant argued, is to treat them morally: first, we should treat others as we ourselves would like to be treated; second, we should never treat another person

merely as a means to our ends. This is the "moral conception of rights" (NCERT box "Kant on Human Dignity", p. 70).

This conception of a free and equal self is now reflected in the **UN Universal Declaration of Human Rights (UDHR)**, adopted and proclaimed by the United Nations General Assembly on **10 December 1948**. The Preamble recognises "the inherent dignity and of the equal and inalienable rights of all members of the human family" as the foundation of freedom, justice and peace in the world; the General Assembly called on Member States to publicise and teach the text in schools and other educational institutions (NCERT UDHR box, p. 77). The list of human rights people have claimed has, "expanded steadily" as societies face new threats — adding the right to clean air, water and sustainable development, rights of women, children and the sick, rights for those in war or natural crisis, and even claims associated with appeals like Bob Geldof's call to end poverty in Africa (NCERT §5.2, pp. 70–71).

**§ 5.3 Legal rights and the State.** While human-rights claims appeal to our moral self, their realisation depends on government and law: that is why so much importance is placed on legal recognition of rights. A **Bill of Rights** is enshrined in the constitutions of many countries; because constitutions are the highest law of the land, constitutional recognition gives such rights primary importance. In India these constitutionally guaranteed rights are called **Fundamental Rights**, and may be supplemented by claims arising out of the country's particular history and customs — for example, India's constitutional ban on untouchability addresses a traditional social practice (NCERT §5.3, pp. 71–72). Some theorists define rights as claims that are recognised by the state, but legal endorsement gives rights special status in society without being the **basis** on which they are claimed. Rights have steadily been expanded and reinterpreted to include previously excluded groups, reflecting the contemporary understanding of dignity and respect.

Most claimed rights are directed **towards the state**. When I assert my right to education, I call upon the state to make provisions for my basic education; society may also accept this and contribute (different groups may open schools and fund scholarships), but the primary responsibility rests upon the state. Rights therefore place positive and negative obligations on the state: my right to life obliges the state to make laws to protect me from injury and to punish those who hurt me, and where the right to life is interpreted as a right to a good quality of life, it obliges the state to pursue policies for a clean environment and other conditions for healthy living. My right to liberty obliges the state **not** to arrest me arbitrarily — it must defend any restriction on my liberty before a judicial court, which is why the police must produce an arrest warrant before taking me away (NCERT §5.3, pp. 72–73). Rights thus place constraints on state authority and ensure that the sovereign state — created for the well-being of the individual — does not become an end in itself.

**Kinds of rights** (§5.4). Most democracies begin by drawing up a charter of **political rights**: equality before law, the right to participate in the political process (vote, contest elections, form or join parties). Political rights make government accountable, give

individuals an opportunity to influence government decisions, and are supplemented by **civil liberties** — the right to a fair trial, to express one's views freely, and to protest and dissent. Political rights and civil liberties together form the basis of a democratic system. But political rights can be exercised fully only when basic needs of food, shelter, clothing and health are met. For a person living on the pavements, political rights have little value. Hence democratic societies are increasingly recognising **economic rights** — adequate wages and reasonable conditions of work; in some countries low-income citizens receive housing and medical facilities; in others, the unemployed receive a minimum wage; in India "the government has recently introduced a rural employment guarantee scheme, among other measures to help the poor" (NCERT §5.4, p. 74). Today more and more democracies also recognise **cultural rights** — primary education in one's mother tongue, the right to establish institutions for teaching one's language and culture. While the right to life, liberty, equal treatment and political participation remain priority rights, other conditions for a decent life are being recognised as rights too.

**§ 5.5 The rights-responsibilities link.** Rights oblige us first to defend the **common good** — protecting the ozone layer, minimising air and water pollution, planting trees, preventing deforestation, and maintaining ecological balance for the future generations who must inherit a clean world. Second, rights require that I respect the rights of others: if I want the right to express my views, I must grant the same to others; I cannot use free speech to incite a crowd to kill my neighbour. My rights are limited by "the principle of equal and same rights for all" (NCERT §5.5, p. 75). Third, we must balance rights when they conflict — I have the right to take pictures, but if I photograph someone bathing in his own home and post it online, I violate his right to privacy. Fourth, citizens must be vigilant about limitations placed on civil liberties, especially restrictions imposed in the name of national security; even arrested persons should have legal counsel and the right to present their case before a magistrate. Hence "even though rights can never be absolute, we need to be vigilant in protecting our rights and those of others, for they form the basis of a democratic society" (NCERT §5.5, p. 76).

## 2.2 Definitions to memorise

| Term            | Definition   | Page |
|-----------------|--|------|
| Right           | An entitlement or justified claim — what is due to us as citizens/individuals/human beings and which society must recognise as legitimate. | 68   |
| Want vs Right   | A want is a personal desire; a right is a claim society regards as legitimate and essential for dignity or well-being.                     | 68   |
| Universal right | A right important for <b>all</b> human beings in society (e.g., livelihood, freedom of expression, education).                             | 68   |
| Natural rights  | Rights derived from natural law, given by nature/God; inalienable; classically life, liberty and property.                                 | 69   |

| Term                              | Definition   | Page  |
|-----------------------------------|--|-------|
| Inalienable                       | Cannot be taken away from a person by any ruler, society, state or organisation.   | 69    |
| Human rights                      | Guarantees humans themselves arrive at to lead a minimally good life; assumes every person is equal and uniquely valuable.               | 69    |
| Moral conception of rights (Kant) | Treat others as you would be treated; never treat a person merely as a means but always as an end, because every human has dignity.      | 70    |
| Dignity (Kantian)                 | Intrinsic, priceless worth that humans have by virtue of being human — not replaceable by an equivalent like objects.                    | 70    |
| Bill of Rights                    | A list of rights enshrined in the constitution; in India called Fundamental Rights.  | 71    |
| Fundamental Rights                | Rights recognised in the Constitution (the highest law of the land); e.g., ban on untouchability.  | 71–72 |
| Positive obligation of the state  | Duty of the state to <b>act</b> to fulfil a right (e.g., make laws to protect life, pursue clean-environment policies).                  | 72    |
| Negative obligation of the state  | Duty of the state to <b>refrain</b> from acting (e.g., not arrest arbitrarily; produce a warrant before arrest).                         | 72–73 |
| Political rights                  | Equality before law and the right to participate in the political process — vote, contest, form/join parties.                            | 73    |
| Civil liberties                   | Right to a free and fair trial, free expression, protest and dissent.  | 73    |
| Economic rights                   | Rights to conditions for material well-being — adequate wage, reasonable conditions of work, housing, medical aid, unemployment support. | 74    |
| Rural Employment Guarantee Scheme | Indian government scheme cited as an example of an economic-rights measure for the poor.   | 74    |
| Cultural rights                   | Primary education in one's mother tongue; right to establish institutions for one's language and culture.                                | 74    |
| Common good                       | The shared interests — ecology, ozone layer, forests, peace — that rights oblige individuals to protect.                                 | 75    |
| Equal rights for all              | Principle that limits each person's rights by the equal rights of every other person.  | 75    |
| Conflict of rights                | Situation (e.g., free expression vs. privacy) where rights must be balanced rather than absolutised.                                     | 75    |
| Civil liberties in emergency      | Liberties whose curtailment in the name of national security must be carefully scrutinised.  | 76    |
| UDHR                              |  | 77    |

| Term             | Definition  | Page |
|------------------|---|------|
|                  | Universal Declaration of Human Rights, adopted by the UN General Assembly on 10 December 1948.            |      |
| Preamble of UDHR | Proclaims inherent dignity and equal, inalienable rights as the foundation of freedom, justice and peace. | 77   |

### 2.3 Diagrams / processes to remember

- **Opening-page collage** (p. 67): photographs of placards saying "END SEGREGATED RULES IN PUBLIC SCHOOLS", "VOTING RIGHTS NOW!", "JOBS FOR ALL AT FAIR PAY" — used to introduce rights as claims made through struggle. Credit: U.S. National Archives and Records Administration (p. 78).
- **Kant box** (p. 70): contrast between "price" and "dignity" — objects can be replaced by equivalents because they have a price; human beings have dignity that admits of no equivalent. Foundation of the moral conception of rights.
- **Cartoon on right to information** (p. 71): father's two-month-old telephone application — used to illustrate how a new claim (right to information) helps citizens find out the status of an application.
- **Sting-operation/privacy cartoon** (p. 75): two students debating whether a sting operation on a "famous actress" is journalism or a violation of the right to privacy — used to teach the principle of balancing conflicting rights (free expression vs. privacy).
- **UDHR Preamble box** (p. 77): proclaims recognition of inherent dignity and equal, inalienable rights of all members of the human family as the foundation of freedom, justice and peace.
- **Process of natural rights → human rights**: 17th–18th century natural law (rights from God/Nature) → inalienable rights of life, liberty and property → critique of the idea of natural law → contemporary "human rights" justified by intrinsic human dignity and equality → UDHR 1948 → expansion to environmental rights, women, children, the sick, refugees.
- **Process of how a right places obligations on the state**: identify the right (e.g., right to life) → derive positive obligations (laws to protect life, clean-environment policy) → derive negative obligations (state cannot arrest without warrant) → judicial defence required when liberty is curtailed.

### 2.4 Common confusions / NTA trap points

- **Natural rights vs. human rights**: NTA often presents these as synonyms. Today human rights is preferred precisely because the idea of a natural law laid down by nature or God is no longer acceptable (p. 69).

- **The three natural rights are life, liberty and PROPERTY** — not "life, liberty and equality" or "life, liberty and fraternity"; do not confuse with the French revolutionary slogan or the UDHR list.
- **"Rights given by the state" vs. "rights directed towards the state"**: legal endorsement gives rights special status, but is not the basis on which they are claimed (p. 72). Distractor options often invert this.
- **Civil liberties vs. political rights**: NTA often jumbles these. Political rights = vote, contest, form parties; civil liberties = fair trial, free expression, protest and dissent (p. 73).
- **UDHR date — 10 December 1948**, adopted by the UN **General Assembly** (not the Security Council, not UNESCO; not 24 October 1945 which is UN Day) (p. 77).
- **Rights are NEVER absolute** — a frequent distractor is "rights are absolute and unlimited"; NCERT explicitly says rights are limited by the equal rights of others (p. 75–76).
- **Smoking/drugs are not a right** — distractor may frame "personal liberty" as covering use of banned drugs; NCERT explicitly rules this out because they injure self and others (p. 69).
- **Activities injurious to well-being cannot be a right** — sometimes confused with "all personal choices are rights". The well-being criterion excludes harm-to-self and harm-to-others practices (p. 69).
- **Kant's two moral arguments** — students often remember only "ends not means" and forget "treat others as you would be treated"; both together constitute the Kantian moral conception (p. 70).
- **Right to information / clean air / safe drinking water** — these are new claims, not part of the 17th–18th-century natural-rights list (pp. 67, 70–71). Distractors often place them in Locke's list.
- **Economic rights ≠ welfare alone** — they include adequate wage and reasonable conditions of work, as well as housing/medical aid/unemployment support and the Indian rural employment guarantee scheme (p. 74).
- **Cultural rights extend to language**, not only religion — primary education in mother tongue and institutions for one's language and culture (p. 74).

## 2.5 Key thinkers / concepts / events table

| # | Thinker / Source / Event                        | Key concept   | Page |
|---|---|---|------|
| 1 | 17th–18th-century natural-rights theorists      | Rights from nature/God; inalienable; three natural rights — life, liberty, property | 69   |
| 2 | Immanuel Kant (18th-century German philosopher) | Moral conception of rights; dignity vs. price; "ends, never merely means"           | 70   |
| 3 |   |   | 77   |

| #  | Thinker / Source / Event                             | Key concept  | Page  |
|----|--|--|-------|
|    | Universal Declaration of Human Rights (UDHR)         | Foundational text of contemporary human rights — adopted 10 December 1948            |       |
| 4  | UN General Assembly                                  | Body that adopted and proclaimed the UDHR  | 77    |
| 5  | Bob Geldof (referenced)                              | Pop-star appeal to end poverty in Africa — illustrates moral appeal of rights claims | 71    |
| 6  | Indian Constitution                                  | Source of Fundamental Rights, e.g., ban on untouchability                            | 71–72 |
| 7  | Rural Employment Guarantee Scheme (India)            | Cited example of an economic right realised through state policy                     | 74    |
| 8  | Right to information (new claim)                     | Illustrates expansion of rights into new areas                                       | 71    |
| 9  | Right to clean air / water / sustainable development | Environment-driven additions to the human-rights list                                | 70–71 |
| 10 | Right to a fair and speedy trial                     | Listed as a civil liberty essential to democracy                                     | 73    |
| 11 | Right to dissent and protest                         | Civil liberty central to democratic citizenship                                      | 73    |
| 12 | Right to primary education in mother tongue          | Cultural right recognised by Indian democracy  | 74    |
| 13 | Right to equality before law                         | Foundational political right   | 73    |
| 14 | Principle of "equal and same rights for all"         | Limits each right by the equal rights of others                                      | 75    |
| 15 | National-security restrictions on civil liberties    | Identified as a contemporary risk requiring vigilance                                | 76    |

## Practice MCQs

## PYQ Alignment

This chapter is a recurring source for CUET Political Science: questions typically test the definition of a right, the natural-rights vs. human-rights distinction, the Kantian moral conception, the four-fold classification (political/civil/economic/cultural) and the UDHR date (10 December 1948). Expect 1–2 direct factual MCQs and 1 statement-based or assertion–reason item from this chapter each year.