

## 1.5 Classification of Human Rights

Human Rights broadly can be classified from two different perspectives: Firstly, from the perspective of different aspects of human life, civil, political moral, social, economical; and secondly from the perspective of the ways of securing them. The human rights can be classified as under:

### Natural Rights

Natural rights are those rights which are considered to be inherent and integral to human nature. In fact, every individual, by nature, is given an individual property of his own which cannot be taken away by any authority. Such rights include intellectual rights, rights of the mind and also rights of acting as an individual for his own comfort and happiness, provided they are not injurious to the natural rights of others.

#### Moral Rights

These rights are based on the general principles of firmness and justice. These are simply aspirations and ideals of the people who aim for it. Sometimes, people justify these rights on the ground of the role they perform or the position they occupy in society. For example, the mother of a family might complain that she has the right to be consulted about what is going on in her family. In this case, she is applying the principle that parents are entitled to be consulted when family decisions affect the members. So it is the moral duty of other members to do the same.

### Fundamental Rights

There are certain rights which are more important and basic than the others. For example, right to life is the most basic of all rights upon which the enjoyment of other rights depends. Among other basic rights to be recognized as a person before the law, the right to equal protection under law, and freedom from illegal arrest or detention. These rights can never be restricted or taken away by any authority. That is why every society has a fundamental duty to protect these at all times.

#### Legal Rights

Legal rights are otherwise known as positive rights. These rights are laid down in law. They are also guaranteed and protected by the law of the State. Thus, legal rights are uniform and open to all irrespective of the caste, color, race or culture. Legal rights are those rights which are accepted and enforced by the state. Any defilement of any legal right is punished by law. Law courts of the state enforce legal rights. These rights can be enforced against individuals and also against the government. In this way, legal rights are different from moral rights. Legal rights are equally available to all the citizens. All citizens follow legal rights without any discrimination. They can go to the courts for getting their legal rights enforced.

Legal Rights are of three types:

## 1. Civil Rights:

Civil rights are those rights which provide opportunity to each person to lead a civilized social life. These fulfill basic needs of human life in society, Right to life, liberty and equality are civil rights. Civil rights are protected by the state.

## 2. Political Rights:

Political rights are those rights by virtue of which inhabitants get a share in the political process. These allow them to take an active part in the political process. These rights include right to vote, right to get elected, right to hold public office and right to criticize and oppose the government. Political rights are really available to the people in a democratic state.

## 3. Economic Rights:

Economic rights are those rights which provide economic security to the people. These empower all citizens to make proper use of their civil and political rights. The basic needs of every person are related to his food, clothing, shelter, and medical treatment. Without the fulfillment of these no person can really enjoy his civil and political rights. It is therefore essential, that every person must get the right to work, right to adequate wages, right to leisure and rest, and right to social security in case of illness, physical disability and old age.

## Civil and Political Rights

Rights that are granted by government or civil society are called civil and political rights. These rights provide the basis for the fulfillment of elementary conditions of the social life. Without them, civilized life is not possible and they are, therefore, considered very essential for the free and progressive life of man. Civil and political rights, however, include the right to the freedom of speech, of assembly the right to move freely, to hold property and practice trade or profession, and the right to take part in the government of one's country.

Economic, Social and Cultural Rights

These are entitlements of the individual vice versa the State, in order to eradicate social inequality, economic imbalances and to limit disadvantages caused by nature, age and so on. These rights however are bestowed by the State. The State is not bound to meet these entitlements all at once. It depends upon the economic resources of the society.

Most of the socialist states recognize these rights as fundamental rights of the people Right to equality, right to work, right to have family, right to privacy, right to information, right to public assistance during old age and sickness, right to health-care, right to special care during childhood and during motherhood are some of the examples of these rights.

The rights mentioned above do not fully serve the purpose in the sense that rights have tendency to grow with the corresponding changes in the society. Some of the rights are of recent origin like the right to development, the right to know and the right to self determination. There are many controversies regarding the question as to which are the more important rights. The Vienna Declaration issued after a conference in which representatives of 171 countries affirmed that “all human rights are universal, indivisible, inter-dependent and inter-related ”.

## **Human and Legal Rights**

There is some difference between moral or human rights and legal rights. Legal rights require justification for an existing system of law. Legal rights are, roughly, what the law says they are, so far as the law is enforced. Legal rights gain their force first of all through legislation or decree by a legally authorized authority. Those who support adoption of laws establishing legal rights often appeal to a notion of human rights. Laws against theft might appeal to notions of a moral right to own property. But human or moral rights must gain their validity through some other source other than legal rights, since people can appeal to human or moral rights to criticize the law or advocate changes in the law (or legal rights), and people could not do this if moral rights were based upon the law.

### **Contractual Rights**

Contractual rights originated from the practice of promise-keeping. They apply to particular individuals to whom contractual promises have been made. Contractual rights ascend from specific acts of contract making. They normally come into being when the contract is made, and they reflect the contractual duty that another party has acquired at the same time. As a result of a contract, party A has a contractual duty, say, to deliver some good or service to party B, who has a contractual right to the good or service. Contractual rights may be upheld by the law, and in that sense can rest upon legal rights, but it is possible to conceive of contracts made outside of a legal framework and to rest purely upon moral principles. However, such contracts are less secure than contracts made within a legal framework, for obvious reasons. There are numerous examples of contractual rights such as:

- ☐ Rights to purchase a particular product or service
- ☐ Rights to be sell a product or service
- ☐ Rights to be the only seller or buyer
- ☐ Rights to delivery and timely payment
- ☐ Rights to refunds or repairs
- ☐ Various rights according to the specific intentions of each party.

## **Collective Rights**

Collective Rights are a type of Human Rights, which unlike traditional rights, are not vested in a single individual but belongs to all people so that all of them can collective enjoyed. That is, they are enjoyed jointly rather than severally.

Collective Rights are also called Third Generation Rights, Solidarity Rights or New

## Rights.

Group rights, also known as collective rights, are rights held by a group rather than by its members severally; in contrast, individual rights are rights held by individual people; even if they are group-differentiated, which most rights are, they remain individual rights if the right-holders are the individuals themselves. Group rights have historically been used both to infringe upon and to facilitate individual rights, and the concept remains controversial.

### Collective Rights

- Right to Development.
- Right to Peace.
- Right to Common Heritage.
- Right to Self-determination.
- Right to Safe Environment.

## Social solidarity

Solidarity is an element of human association that emphasizes the cohesive social bond that holds a group together, which is valued and understood by all group members. There are different motives for solidarity. For some, affection and shared norms and beliefs are motives, while for others rational choice and self-interest are drivers.