

## Correlation of Rights and Duties

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**ABSTRACT:** *Rights and Duties are two sides of the same coin. Now-a-days the people are becoming rights centric and duties aspects are neglected. They are trying to rationalize their irresponsible acts which are not in conformity to their own 'duties'. Mere Prescription and power of reason are not sufficient to make people conscious of their duties. Normative ethics, deontology and rule of law are not enough to make people convinced. To tackle this problem we need metaphysical or scientific explanation to show that human action is not mechanical; rather it is based on conscious principle. Bradley and Kant wanted to have this type of metaphysics, but they could not provide. The concept of 'Rta' discussed in Upanishad is not only cosmic principle, but also moral in nature. It tries to fulfill the exigency of time if applied in proper context.*

**KEY WORDS:** *Rights, Duties, Correlation, Dharma, Nishkama Karma, Rta, Rule of law, Cosmic Principle*

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### I. CORRELATION OF RIGHTS & DUTIES

Rights and duties are complex phenomenon or states of affair intrinsically related with one another in principle. Performance of duty on one side naturally affects claim of rights on the other side, that is why thinkers like Plato, Kant, Bradley others have given priority to duties over rights. In Indian tradition, rights and duties are identified as one. Also the concept of duty is older phenomenon in both the traditions. In West, the idea of right of man emerges out of the concept of natural law.

Greece is the cradle of Western Civilization. The frequent changes of governments, political instability and tyranny of law in this small City State of Greece led the philosophers to think of some universal principles. The existence of law superior to the law of the land was recognized. Thus, the idea of rights developed because of non-performance of the duties of the people and the rulers. Therefore, the duties are given importance in the ethical and religious traditions. It is clear that the concept of rights is of no use other than defending the self interests of the individual or groups without offending other individuals or groups and state machinery. Now-a-days people are becoming more self-centered and they are giving more importance on their rights, rather than duties. This is only the influence of materialistic culture "The dominant characteristic of materialism is that it considers atomistic plurality as final and ultimate, which is disconcerting to unity and integrity. As a result of this, in life, a particularistic and separatist view point is asserted. In the field of law arises one-sided theories; self-interest is boosted; schism and departmentalism is made justified; conflicting interests become the permanent subjects of jurisprudence which cannot be reconciled and no workable theory is put forth. 'Duty' is viewed as bondage or slavery and 'Right' is pluralized into rights to be appropriated by individuals to forge the weapon in the war against State and other individuals."<sup>1</sup>

It is a fact that by dividing rights into several rights the purpose can not be fulfilled. The categorized rights are part of the concept of rights which care for the growth of human personality and self - realization. Human personality includes physical, intellectual, spiritual, social and other aspects. All the different rights are parts and parcel of the broader theme of self - determination. The theories of rights are nothing but different view points towards the complex reality of human personality. The same concept appears different from various angles with reference to the prevailing social situations and orientations of life.

The different theories of rights give importance to some specific rights over others. So they are the only means of bargaining for the demand or share of the individual and community. Thus one kind of consumerism is developing in the society at large scale. People are considering their rights as license, which makes them ego-centric. They are forgetting their own duties and responsibilities. We may make catalogue of rights by dividing into different rights like civil, political, economic, moral, etc. for sake of implementation and interpretation. In contrary rights are mostly used for bargain. But who will bargain for the rights of children, old parents, handicapped and destitute. Who will fight for the rights of animals, plants, river and sky? Without them human existence is quite impossible. The imbalance of all those above mentioned will make life terrible. Even we can not claim ours' a civil society where there is no concern for the children, old aged people, handicapped and other destitute.

The duty of some constitutes the rights of others. We can classify duties into different types or categories for convenience. But we can not make people 'duty conscious' by command or by rigorous law. The respect for law of the land and also the rule of law should come from within. The purpose of law can not be attained fully, if it is imposed in the mind of people. The deontological ethics is not working, because dictate of reason is dominated by selfish motivations. Duty for the sake of duty is considered as impractical and 'Nishkama karma' is a distant dream. As human beings are always in the pursuit of immediate gain, neither the division of labour envisaged by Plato nor the Varnashram dharma of Gita find proper place. Similarly According to Bradley, my station and its duties which are based on the aptitude and position do not get proper recognition. Thus society is heading towards all sorts of disparities, disharmony and imbalances.

If this type of tendency prevails in the society, the social fabric will be definitely disturbed. For the progress of the Nation and Society, duty is more important than rights. Fundamental duties are as important as fundamental rights so far nation is concerned. In Global context it can be termed as Human duties. Human duties are always neglected in the society and this is the basis of all sorts of Human rights violations everywhere. This happens only because we perceive Rights and Duties as differently. But ethically, legally, ontologically and metaphysically both are two sides of the same reality.

The concept of 'dharma' satisfies all the different aspects. In Ancient Indian culture the rights are not divided or dissected. There we can find a single unitary concept called 'Dharma'. One meaning of 'dharma' is 'duty'. The right of the individual is to perform one's functions well. Rights can only be expressed in doing one's duty. The Gita rightly asks the person to do his duty according to dharma which is the law and according to one's station in life (Svadharm).

Human beings are essentially rational. They expect rational explanations regarding everything. The marvels of science and technology compel human mind for scientific approach. But it is difficult, to provide scientific explanation for the consequences of human actions in terms of the parameters and axioms adopted in modern science which is purely physical in nature. Of course there are metaphysical explanations in Upanishads, which may convince the human rationality. Upanishads proclaim that universe is pervaded by consciousness and the cosmic principle is transcendental backing all the living and non-living.

The concept of Rta, when it is applied in the socio-political religious plane -it is considered as 'dharma' and when it comes to the life of the individual, it is the 'law of karma'. Both are impersonal and backed by the cosmic principle 'Rta'. Thus 'Rta' is the metaphysical basis of the 'Karma' and 'Dharma'. It is the 'Rta' which unifies all the physical, mental and cosmic phenomena. Everything and all beings are bound together in a cosmic principle, which is inexorable. All are harmonized, correlated and controlled by this impersonal law. All human activities have direct link with it. This is the cosmic order. So, it is the responsibility of all to protect the order. It is said that, who protects this order protects 'dharmo rakhiati rakhiatah'.

The irony is that despite having such beautiful ethico-legal concepts in our ancient culture, we are unable to reform our legal system. The present legal system is disconnected, disintegrated, dissected. Whereas the ancient legal concepts are harmonized, integrated and correlated. There are infinitely many manifolds as well as forms of life. So law should give opportunities to all individuals for their development and all possibilities for their self-realization.

The concept of dharma as a law cares all for self-realization, at the same time it imposes duty to do or to forbear. This idea of emphasis on duty or obligation in Ancient Indian Philosophy may appear strange to many. But rights and duties are correlated as explained both in Western and Indian systems. It is conspicuous in the Indian tradition that duty is primary and rights are only the corollaries of duties.

### **NOTES**

- [1]. Purohit, S.K. (2001) *Ancient Indian Legal Philosophy*, Deep and Deep Publication, New Delhi P.243
- [2]. Basu, D.D. (2003) *Introduction to the Constitution of India*. Wadhwa Nagpur, p.136