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Right To Have Rights

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7 Chapters and 283 Pages

Idea of the Author

Right to Have Rights, is a delight to any person endeavoring to break the stereotypical thoughts on different social, legal, political and cultural matters. The book starts up by debunking the conventional meaning of Poverty whereby Author, criticizing the calculus magic of World Bank has vehemently emphasized on the fact that Poverty is not merely the state of lack of food or basic rights rather is a state of deprivation of equality in the distribution of wealth (resulting from neo-liberalist regime), income and worth of human. The book has agreeably referred to Amartya Sen's Capability Building approach that could possibly break the vicious cycle of Poverty. Author suggests that injustice is the matter of prime concern.

Second Chapter of the book discuss about the vector of life with adequate standard of living and following this Author has put forth the concept of first 5 rights which is necessary to eventually attain the highest vector of life. The book further stresses on the differences between Deprivation and Subordination and affirms that the state of Deprivation resulting to Subordination could be addressed by protecting first 5 rights of the individuals.

Consequent Chapters discredit the Generation Theory, based on Asian values. It accordingly lays down the concept of Source rights (Economic Social and Cultural rights) and Output Rights (Civil and political rights) and emphasizes on the fact that fulfillment of Source rights would *ipso facto* secure the Output rights. The book answers the misleading questions that the West has imposed regarding non-existence of liberal democracy, rule of law and human rights in the East. Additionally, it highlights on how Corruption causes poverty, how the gap of interaction initiates social exclusion and how it may result in breakage of positive values. Author is of the view that, the

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reasons behind tainted concept of Human Rights in South Asia are Kleptocratic nature of government and military adventurism. Furthermore, the book has also laid down some way-out in eliminating such issues (To list a few: Rigorous economic upliftment and educational empowerment, breaking regressive status quo.)

The beauty of the Book lies in the “Anti-Deprivation development Threshold Theory” profound by the Author in order to address aforementioned problems. This Theory emphasize on the necessity of creating balance between productivity, income, resource and market in order to ensure sustainable rise of vector of life of the citizens.

Analysis with Questions That Book Possesses

The book begins by demystifying the misconception of Poverty. In the first Chapter Author has rightly pointed out that Poverty is a mere shadow, deprivation is the fact and the way of eradicating Poverty is addressing the Deprivation of People.

Further, we could extract 4 steps to address the deprivation from the book:

1. Empowerment of People,
2. Making them capable of enjoying right concerning access to development
3. Developing Opportunity (e.g. Education)

These steps would enhance the capability of the Person and eventually would address their state of deprivation. However, capability building alone is not sufficient to address the state of Deprivation; strengthening of the Human personality comes concurrently. Now the question is how are we supposed to strengthen Human personality? Answering this question, Author has very rightly stated that Human personality is strengthened by securing their rights, liberties and freedom. And the means to secure Human personality is Education. Human dignity and Human security is rampantly crushed by Poverty and this is the utter violation of Human Rights and Humanity.

Author on the same chapter largely criticizes the International Organizations like IMF, WB for quantifying the definition of poverty. The reason why they have been failing to address the issues of poverty is because of their “eagle eye” approach of solving the problems. They come up with the initiatives like “food for work” largely following the Inducement theory of justice being confined within the material welfare of people and completely avoid the capacity building. Perhaps they do this deliberately since capability building is a long term solution of a problem and once the problems get solved forever, they wouldn’t be able to raise fund and use it for their own benefits.

The stereotypical meaning of Poverty that we have been grasping since the very beginning is lack of food, shelter (Imaginably all other basic needs) However, in this book, Author have discredited this perception and very profoundly stated that poverty is actually deprivation of three things:

1. Rights
2. Social inclusion and
3. Want to access to resources.

Author, further answering the question “Why poor remain poor” have rightly pointed 4 reasons for it, i.e.:

- a. Lack of Creativity
- b. Lack of Productivity
- c. Lack of Intellect and
- d. Lack of Persistence

Linking it to the broader aspect in Nepal, it is evident that Nepal exports enormous amount of medicinal plants to other countries in a very low price and those countries in turn, convert raw plants into medicines and sell it to Nepal, that too, in a very high cost. From this instance apart from skills development, we could dissect the importance of availability of resources into two forms:

1. Technical resources and
2. Natural resources

Both are necessary in order to secure high vector of life of an individual. For the Technical skill development, Nepal could even opt to establish Educational institutions which would only provide technical education to the people for their capability building.

In Chapter 2 Author has very critically stated the difference between Discrimination and Subordination. Author is of the view that discrimination can be addressed by laws but subordination cannot be, because it is the consequence of regressive status quo.

With this we could infer that Subordination is the issue to be addressed by policies and as per anti-subordination theory, it could be addressed by providing equal opportunity, economic development and social inclusion to the citizens.

Exemplifying above notion, I would like to trace out the situation of Harijans, a community of Bangladesh who are treated as untouchable caste. Most of them are deprived from education and hence lacking capability is compelled to get involved in the works like cleaning the roads, shoe-keepings etc. This has resulted in very low vector of life of people of that community. The major factor behind their social exclusion is not untouchability but deprivation of an opportunity involving education.

Job or skills or resource: State shall give one among these three things to its citizens. It is duty of state to bring its citizens up to the minimum threshold level.

In the book, Author has propounded First Five Rights which guarantees the social and economic development and refuses to define poverty merely as lack of food, clothes

etc. These rights are essential to break the regressive status quo and bring the citizens to the minimum threshold level. The 5 Rights are:

1. Right to inviolability of physical integrity of person, under any circumstance,
2. Right to inviolability of worth of human person - individual, personal autonomy or personhood,
3. Right to freedom of choice,
4. Right to be informed- education fostering the higher quality of productivity and efficiency.
5. Right to participate in economic enterprise-significant entitlement to commodities for higher standard of living, without any kind of Discrimination.

Any Individual having this threshold met is deemed to have achieved the vector of life and adequate living. Objectively Functional Theory comes into application only after all these 5 rights are achieved.

5 Rights: A Flower and A Vase

Let's take an example of a flower and a vase. In this example, Flower is an individual and Vase is a place they live in.

When you put a flower into a vase without any soil, manure, sun, water and Co2 the flower cannot grow and it ultimately dies. In this case, 5 rights can exactly be compared with the soil, manure, sun, water and Co2 that the plant needs to grow.

State shall at first hand, provide all these 5 rights to an individual and help them grow. Once they reach to a certain level (in this case, right above the threshold) state can then opt not to intervene because after that individuals become capable of growing on their own. However, if they fall below the threshold, State shall again intervene, provide them with the 5 basic rights and help them rise above the threshold line.

Several Theories of Justice and Development has been discussed in Chapter 6 of the Book. Amongst all, one that Author has propounded is Anti Deprivation Development Threshold theory which focuses on:

1. State of subordination,
2. Social inclusion,
3. Development of opportunity

This theory suggests creating balance between productivity, income, resource and market for the sustainable rise of vector of life. Justice as per this theory is not merely material welfare but capability building and opportunity or market creation.

In Chapter 4, Author discredits the pro-transplant theory which has initiated the Debate on compatibility of values in Asia with rule of law and liberal democracy and

also states that Human Rights Enforcement requires sound state of political stability, economic development and good governance and they in turn require rule of law for careful observation.

At the end of the book, Author points out where South Asian nations are lagging in terms of development. Answering this issue, Author very rightly points out that, South Asian nations are more focused on strengthening military rather than securing development rights of the citizens. Author draws this inference based on the fact that South Asian nations hold 23% of total population and 43% of the world's poor population. Additionally, India and Pakistan have attained a nuclear capacity for war but poverty rate is enormous.

Conclusion

This book is indeed thought provoking. We can spot the repetition of same issue, time and again but the repetition has helped readers to not only read the book but also conceptualize the ideas. Author has precisely done justice to the topic "Right to have rights" by imparting the view that capability building is the basic thing that humans require which eventually helps one to pursue other rights.

The beauty of the book lies in the fact that Author hasn't only listed out the existing problems but has also proposed the possible solutions to those problems.

Similarly, Author has very rightly imparted an idea that "Poverty" as such doesn't exist at all, however, had Author used the words "so called poverty" instead of Poverty throughout the book, it would have been more resounding.

Overall, the book is a perfect blend of social, legal, political and cultural prospects which strongly break the orthodox view on these regards.