

## **BOOK REVIEWS**

WORLD OF ALL HUMAN RIGHTS: SOLI J. SORABJEE - *A FESTSCHRIFT* (2010) ed. by R.N. Trivedi. Universal Law Publishing Co. Pvt. Ltd., C-FF-1A, Dilkhush Industrial Estate, G.T. Karnal Road, Delhi. Pp. xxiv + 283. Price: Rs. 595/-.

ONE OF the most revered jurists and constitutional experts of India, Soli J. Sorabjee has had a five decade long tryst with the legal profession during which he relentlessly championed the cause of human rights, rule of law and values both constitutional and vital to the survival of the civil society. Fierce in his protective stand for women's issues, he could also be found often fighting for the freedom of expression, freedom of press, independence of judiciary and protection of human rights in various courts of law. R.N. Trivedi, a former Additional Solicitor-General of India, edited a book titled *World of All Human Rights: Soli J. Sorabjee, A Festschrift* with contributions from top judges, jurists and the members of the Bar in a celebration volume in the honour of Sorabjee, who completed 80 years on March 9, 2010.

In the past decade, the world has seen the worst decisions that power wielding members of the population have made. From the wars waged on religious and political differences to the numerous scams that shook the India's faith in the governing system, the questions of power and accountability have surfaced on numerous occasions to plague the society as a whole. In such a scenario, it becomes difficult for one, especially in a country like India, to have full faith in the system without transparency and accountability to fall back on.

A treatment of human rights that is in strong contrast to the somber handling that is considered customary in this field can be seen in Gopal Krishna Gandhi's article on the "Pedestrian". He remarks that the unique state of rights in the nation can be attributed to the fact that 'King is pedestrian and the pedestrian is king'. The ones in the height of power, if pedestrian, help to keep the haves from misusing their position for more gains. He explains that when the pedestrian is king, the dignity of the common man is protected and his voice is heard at the highest quarters.

Micheal Kirby, J., on the other hand, moves to throw light on some darker corners of the discourse on independence of judiciary in India.

Although the compartmentalization of judiciary and executive has been much debated on, he feels that the issue of appointments in higher judiciary needs more introspection. India has seen the executive interference in the appointment of judiciary at the highest possible levels and subsequent usurping of the appointment powers by the judiciary itself. However, after such a transformation, the appointment process has not received the scrutiny it should have. Kirby argues that these methods of the judiciary are not safe from flaws as grave or perhaps even more than those in political appointments, including the overlooking of judicial candidates' background and attitude and an inefficient analysis of the candidates' values and beliefs. A comparative study of such appointment procedure in various legal systems makes an interesting reading.

V.R. Krishna Iyer, J., in his paper, has remarked that irrespective of the party that he represented in the court, Sorabjee adhered to the Gandhian principles. He adhered, and consistently argued, to uphold human rights, particularly free speech and freedom of movement and gender justice. Taking cue from the "humanist protagonist advocate at 80 that Sorabjee is", he urges the learned judges of the country to be "human judge" - not the deterrent, strongly committed to the reformatory theory or retributive theory of punishment.

J.S. Verma, former Chief Justice of India, elaborates in his essay that in a pluralist country like ours, the freedom of speech and expression is to be handled carefully keeping in mind the need for the restrictions imposed in the interest of the nation as a whole. Commenting on media trial, he stresses on the right to reputation and privacy that the person/body facing such a trial possesses against it. The media has unlimited power to influence opinion in various issues and hence in the interest of fair trial, various luxuries that the media enjoys have to be curtailed in a matter that is subjudice. In a related article, B.P. Jeevan Reddy, J., says that the rights of the media have been violated by the proposed Broadcasting Services (Regulation) Bill, 2006. He exposes the central government's upper hand in the provisions of the Bill in comparison to that of the authority set up under the Act calling it a violation of the Supreme Court order that the government should have no control over the broadcasting media and that a statutory public authority must regulate it.

Terming the right to privacy and related laws in India as a nascent one, R.C. Lahoti, former Chief Justice of India, writes that at an early stage of development, it is a fundamental human right. He hopes that the

jurisprudence will evolve with the pronouncements of various courts of law.

Touching upon the term that has become synonymous with the protection of human rights all over the world, Gopal Subramaniam, Solicitor General of India, writes that class action suits, better known as PILs, in India is a double edged sword. He advocates caution in the use of this weapon, warning that procedural innovations to accommodate broader principles may fall flat if they are not dealt with caution. He, however, brings out the role that class action suits had in the development of a culture of respect for human rights in India.

One of the most thought provoking and revitalizing chapters of this book is 'Human Rights Debate Need for Some Fresh Approaches' by S. Kashyap, wherein the writer reaffirms that in order to have the whole world as one family which bonds through the strings of mutual respect, love and human dignity, economic development has to be achieved on an egalitarian scale

Short articles by various other lawyers, judges and academicians have been compiled in this volume. Other articles deal with the jurisprudence of human rights, mainly on the origin and concept of human rights, the interdependence of social justice and human rights, *etc.*

This work also puts together many of the key ideas and concerns about human rights which help the reader to learn about the significance of this subject in a lucid and systematic manner. Surveying the breadth of current knowledge in the field, this book is an essential resource for legal practitioners, educators, researchers and students of law.

Above all, the book is a wonderful tribute to the work and contribution of the tireless jurist, Soli J. Sorabjee, to the world of human rights.

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