

ALL HUMAN RIGHTS ARE FUNDAMENTAL RIGHTS (2nd ed., 2010) by Hosbet Suresh. HRLN & Universal Law Publishing Co. Pvt. Ltd., C-FF-1A, Dilkhush Industrial Estate, G.T. Karnal Road, Delhi-110033. Pp. xxiii+263. Rs. 275/-.

PERCEPTION ABOUT human rights is evolving at a faster pace. Over the period, there is a significant shift in their applications too. In an expanding domain, the human rights principles are increasingly making their presence felt in nation states' policy decisions and legal framework. India is no different. Thanks to widespread human rights education through curriculum-based teaching at the institutional level and awareness building at the societal sphere by civil society organisations. Collectively, these initiatives have been contributory. They have enabled human rights to reach farther engulfing the concerns of vulnerable, excluded and isolated communities to whom human rights mean the most. This has also helped develop clarity on the subject which has been overdue since long. The notional change informs that in one way or the other, rights essentially fall within the broader ambit of human rights. This also inspires human rights discourse to go beyond the limited concerns of police atrocities that has incidentally captivated human and civil rights movements of India for the last several years. Of late, the emerging concerns and issues have started drawing attention of human rights ideologues and practitioners. The present book by Suresh adds strength to this transitory process.

In spite of this change, one question still remains unanswered. Does indispensable and inalienable nature make human rights equivalent to the fundamental rights as enshrined in the Constitution of India? And, to be frank, this is where the significance of the book under review lies. It has tried to answer some of the unresolved issues. The author builds up his argument without ambiguity, saying that the fundamental rights stand fundamental only when they are recognised and treated as human rights. Each of his arguments is, of course, substantiated with appropriate provisions of law and judicial decisions. This book thus gears up an on-going debate with renewed intensity and approach.

The book is a compilation of lectures the author delivered over a period of time to the post-graduate law students. The framework is

simple and straight. The discussion is opened up with a brief but informative overview of history and growth of human rights over the centuries. This follows a comparative study of the international human rights laws and the fundamental rights/directive principles of the state policy under the Indian Constitution. The author is driven with the premise that the fundamental rights and the directive principles of the state policy as enshrined in parts III & IV of the Constitution do have the elements of human rights.

Through well-blended chapterisation, the author takes the readers deep into the subject. With ample references to the decided cases, international human rights laws and the major incidents of rights violation in India, he convincingly argues why the fundamental rights in the Constitution have to be essentially human rights. Given his long-standing association with legal profession, rich experience as a senior judge and proactive engagement with civil society advocacy, Hosbet Suresh negotiates laws, implementing mechanisms and pros/cons therein at an extraordinary ease. His authorship over the subject of international human rights instruments is evident in his very style of contextualising them with the topics he has covered. Only when knowledge is profound, a person gets confidence and capability to shuttle the discussion between different sets of laws and principles without weakening the flow of discussion. The author has left this mark aplenty all through the volume.

In an astounding skill, the author establishes the linkages of the provisions of UDHR, ICCPR, ICESCR and several other human rights laws with the fundamental rights and directive principles of the state policy given in the Constitution of India. The point to be noticed here is that the examples picked up by the author relate predominantly to contemporary India, viz. Mandal Commission, POTA, AFSPA, Babri masjid demolition, Sikh massacre and so on. Yet, instead of entering into the arena of popular polemics, the author has critiqued them from hardcore human rights perspective. That is where the book becomes a must-reading not only for students but everyone who otherwise works to champion the cause of human rights.

The author argues with impeccable logic and citations why it is so essential to treat right to food and right to health as fundamental rights in spite of the fact that they are not yet included in part III of the Constitution. Similarly, with utmost firmness, he develops rationale to advocate the abolition of death sentence because it violates the right to life, a basic human right. The inferences drawn in the book are ascertained by appropriate facts and figures. The students of law and human rights

will certainly find the book beneficial because it provides insights on the issues of torture, right to education, dalit/tribal rights and deprivations of vulnerable sections.

The readers will, undoubtedly, be enlightened in several respects while going through the book. It must be mentioned here that in spite of being a former judge, the author has not indulged in unnecessary use of legal jargons which is otherwise a normal practice in such cases. A comprehensive list of decided cases annexed in the book would be of great help to the serious researchers to pursue the study of the subject further. However, one may feel whether including the bare texts of UDHR, ICCPR, ICESCR in the annexure and thereby increasing the size of the volume was really necessary when these documents are easily available in most of the human rights books and more so, when they are easily accessible in digital formats. Anyway, printing and binding show professional prowess and editing is carried out with due sincerity. The book can be recommended without hesitation to those who keep interest in human rights.

*Somen Chakraborty**

* Human Rights Researcher, Flat No. 53, Suruchi Apartment, Plot No. 31, Sector-10, Dwarka, New Delhi - 110 057. E-mail: c_somen@yahoo.com