



HUMAN RIGHTS AND DEVELOPMENT: LAW, POLICY AND GOVERNANCE (2006) By C. Rajkumar and D.K. Srivastva (Eds.). Lexis Nexis Hong Kong. Pp.xxiv+550.

SIXTY ONE years after the adoption of UDHR and 30 years after the Declaration of the Right to Development by the United Nations¹ a consensus among nations to have a common policy for enforcing the right to development as a human right continues to be a dream. The reason for this failure is not only the avarice of the West, but also the lack of consensus in asserting their views by the East.² The first decade of the 21st century witnessed conflicting interests in asserting this so-called third generation human right. Innate corruption, extreme poverty, acts of terrorism, globalization and the decline in state power as a consequence of the establishment of international trade organizations have made the realization of this right to development next to impossible.

The book under review brings out a comprehensive and critical analysis of the issues relating to the impact of human rights and development on governance and the different challenges that negatively affect 'human rights as development and development through human rights'. Generally books detailing human rights are following dual theoretical approach. Most of them preach the western approach which is based on the universality of human rights. A few others advocate a system of human rights based on cultural relativism. In the absence of a sincere attempt to balance these differing views, any book of this ilk will fail in its mission. In this context the book under review succeeds in its primary mission of formulating an integrated governance policy based on the notion of 'developmentalising rights.'

This work, a positive outcome of the deliberations at a conference,³ as been authored by 28 scholars from all across the world, representing different schools of human rights. The book which

1. The Declaration on the Right to Development was adopted by the United Nations General Assembly, Resolution 4/128 on December 4, 1986.

2. The example is the failure to create a binding nature for right to development like the ICCPR.

3. International Conference on Human Rights and Development organized by School of Law of City University of Hong Kong on 9-10 May 2005.



has 28 chapters and divided into five parts contains very exhaustive materials dealing with different issues of human rights and development.

In the introduction titled “Interdependence of Human Rights and Development” the editors briefly analyse six types of challenges against the promotion and protection of human rights. The same is much valuable for a better understanding of the book, since challenges identified are most current and critical. Unfortunately there are certain limitations also in this area such as a deviance from the pattern as given in the table of contents or in other words the introduction does not reflect the idea behind the book except as to few areas. The analysis of the issues discussed under respective chapters is very minimal ending abruptly.

Part I of the book titled “Human rights in development: Constitutionalism, The Rule of Law and Governance Reform” contains eight chapters, out of which five chapters explore the issues from an Asian perspective. The papers in this part cover issues that would be interesting to students of human rights. The observation that ‘in the modern era the language of the humanitarians has entered the common parlance of governance’ is noteworthy.⁴ Author’s criticism that the present humanitarian tactics of correcting the system by remaining outside the realm of power is not effective and pragmatic in the modern era, holds good. Also the call for revising the traditional views of National Human Rights Commissions on victims and victimization which are presently based on civil and political rights⁵ is a relevant argument in the light of recognition and protection of right to development.

Similarly, part II of the book containing five chapters and titled as “Human Rights, Trade and Development: Role of the World Bank, IMF, WTO and Multinational Corporations” also raises some interesting arguments. For example, Surya P Subedi⁶ in one of the chapters cautions the world in giving political powers to World Bank and IMF. He argues that before giving any such power the internal structure of these bodies has to be revised.

Part III of the book “Right to Development: Mainstreaming Human Rights in Governance” contains four chapters. Issues like basic necessities of life, UN Development Goals, need for accountability etc are critically analysed. In this part M.P Singh⁷ argues the need for a collective effort by every one for a better protection of the right to

4. C. Rajkumar and D.K Srivastva (Eds.), *Human Rights And Development: Law, Policy And Governance* (2006) Chap 1.

5. *Id.*, Chap 4.

6. *Id.*, Chap 10.

7. *Id.*, Chap 14.



development instead of putting the whole responsibility on law and lawyers. In the remaining chapters the UN Development Goals, various aspects of access to justice and challenges by corruption are vitally analysed.

“Human Rights in Development Policies and Practice: Role of the United Nations, NGOs and the Civil Society” which forms part four of the book has an equal number of chapters. The first two chapters discuss the need for a right based approach. The fourth chapter analyses the importance of building coherent practices in the relation between the civil society, government and other various actors. It also incorporates a study about the human rights commission in Malaysia. The most notable feature of this part is the call for a human rights based approach for attaining development.⁸

The last part *viz* “Freedom from poverty, Right to Good Governance and Human Rights” discusses various issues relating to urbanization, poverty, good governance, corruption, gender justice and corporate social responsibility. It is really heartening to note that all the chapters in this part are exceptionally well written and presents an unparalleled critical analysis of various issues.

Any research publication, however cautious the author/editor(s) might be, would have some scar. Likewise in this book also footnoting does not follow a single pattern. The major problem is with the web pages cited in the footnotes where the editors should have used a single pattern, preferably the Bluebook model.

In the final analysis, this book will be a valuable asset for any library anywhere in the world. The work is capable of setting fire to the intellects of the policy makers, academia, students and social activists. What makes the work more worthy is the fact that it offers an interesting reading; suggest an insight into the various issues involved in the protection and promotion of right to development as a human right.

*Vishnu Konoorayar K.**

8. *Id.*, Chap 18.

* Assistant Research Professor, Indian Law Institute, New Delhi.



BOOKS RECEIVED FOR REVIEW*

P. NARAYANAN, *Law of Copyright and Industrial Designs* (2007). Eastern Law House Private Ltd., 36, Netaji Subhash Marg, New Delhi - 110 002. Pp. 44 + 1097. Price Rs. 1190/-.

P.K. SARKAR, *Law of Acquisition of Land in India* (2007). Eastern Law House Private Ltd., 36, Netaji Subhash Marg, New Delhi - 110 002. Pp. 111 + 1470. Price Rs. 1390/-.

C.R. DATTA, *A.B. Majumder's Plaints* (2007). Eastern Law House Private Ltd., 36, Netaji Subhash Marg, New Delhi - 110 002. Pp.28 + 812. Price Rs. 750/-.

S. PARAMESWARAN, *Law Relating to Societies Registration* (2007). Universal Law Publishing Co. C-FF-1A, Dilkhush Industrial Estate, G.T. Karnal Road, Delhi 110 033. Pp. xxxi + 725. Price Rs. 650/-.

H.L. KUMAR, *Obligations of Employers under Labour Laws* (2007). Universal Law Publishing Co. C-FF-1A, Dilkhush Industrial Estate, G.T. Karnal Road, Delhi 110 033. Pp. xxxvi + 370. Price Rs. 325/-.

MANISH ARORA, *Guide to Trade Marks Law* (2007). Universal Law Publishing Co. C-FF-1A, Dilkhush Industrial Estate, G.T. Karnal Road, Delhi 110 033. Pp. xi + 606. Price Rs. 395/-.

UJJWAL KUMAR SINGH, *The State, Democracy and Anti-Terror Laws in India* (2007). Sage Publications India Pvt. Ltd., B1/11, Mohan Cooperative Industrial Area, Mathura Road, New Delhi - 110 044. Pp. 345. Price Rs. 695/-.

SHARATH BABU & RASHMI SHETTY, *Social Justice and Labour Jurisprudence* (2007). Sage Publications India Pvt. Ltd., B1/11, Mohan Cooperative Industrial Area, Mathura Road, New Delhi - 110 044. Pp. 573. Price Rs. 1950/-.

MARTHA C. NUSSBAUM, *Frontiers of Justice* (2007)Oxford University Press, YMCA Library Building, Jai Singh Road, New Delhi 110 001. Pp. xiii + 487. Price Rs. 695/-.

DANIEL FISCHLIN & MARTHA NANDORFY (2007). *The Concise Guide to Global Human Rights*. Oxford University Press, YMCA Library Building, Jai Singh Road, New Delhi 110 001. Pp. xix + 268. Price Rs. 595/-.

NANDAN KAMATH, *Law Relating to Computers Internet & E-commerce* (2007). Universal Law Publishing Co. C-FF-1A, Dilkhush Industrial Estate, G.T. Karnal Road, Delhi 110 033. Pp. xlix + 749. Price Rs. 495/-.

* The *Journal* reserves the right to be selective in reviewing the books listed.