

HUMAN RIGHTS AND UNITED NATIONS. By S.C. Khare,  
Metropolitan Book Co. Pvt. Ltd., New Delhi. Pp xvi+382. Rs. 75.

KHARE'S WORK on Human Rights and United Nations is a painstaking analysis of international instruments dealing with the problem of human rights. The substantive discussion is contained in nine chapters in 216 pages, and the appendices, reproducing in original international conventions and declarations on the subject, run further into 150 pages. The appendices are of significant importance for any meaningful study of the problem.

Chapter II deals with human rights provisions of the Charter of United Nations and their legal significance. In addition, a brief mention has been made of international instruments adopted under the auspices of the United Nations, its specialized agencies and regional organisations to promote observance of human rights and fundamental freedoms for all individuals. That in spite of this impressive effort on the part of the United Nations system, human rights are violated on a massive scale, reinforces the need for further international cooperation in the matter. Discussion in chapter III relates to the effect of domestic jurisdiction clause of the charter on the competence of the United Nations to intervene in the event of violation of the provisions regarding human rights. The author is right in his conclusion that the organs of the United Nations do not consider provisions of article 2 paragraph 7 a stumbling-block in the exercise of jurisdiction. This legal position is so well-established that it hardly needs further examination. What is not so clear is why the U.N. organs fail to act and why questions relating to disregard of the provisions relating to observance of human rights are generally disposed of on political considerations. The implementation machinery set up under various international instruments has been discussed in chapter IV. The author's conclusion that the "United Nations has failed to depoliticize human rights and create an effective implementation machinery" is well stated but problems underlying lack of consensus have not been touched upon. A similar inability to grapple with the real issues connected with enforcement of obligations undertaken by states in the field of human rights is evident from the author's discussion on "Individual's petitions to the United Nations" in chapter V. The author seems to have taken for granted that individuals should have a right to submit petitions to international agencies for enforcement of human rights provisions, yet its implication under the existing state of international relations have not been touched upon.

An informative and well-written chapter on "European Convention on Human Rights" (chapter VI) is, perhaps, the only redeeming feature of the effort made by the scholar to write on the controversial topic of human rights. The substantive discussion of the provisions of the convention has been enriched with the inclusion of relevant case law. That human rights

are effectively protected within the territories of these closely-knit states is due to the fact that the state parties to the convention share a common social heritage. Moreover, these nations have exhibited political maturity by the realization that for their security and rapid economic growth international cooperation in economic, social and humanitarian matters is essential. Chapters on "American Convention on Human Rights" (chapter VII) and "Other Regional Commissions" (chapter VIII) are of descriptive nature. The emergence of regional commissions is, in one sense, an implied recognition of the failure of the U.N. system to implement provisions relating to observance of human rights. If that is so, the precise role of the United Nations, in this respect, needs re-examination.

The last chapter on the "Role of judiciary, particularly, the Supreme Court in the Protection of Human Rights under Indian Constitution" contains an incomplete and superficial analysis of the constitutional provisions. It is difficult to appreciate the necessity of including this chapter in this work. If the purpose was to demonstrate the necessity of providing an exemption in adopting conventions on human rights in respect of states which have constitutional safeguards for protection of these rights, it has not been accomplished. There is no discussion regarding the Indian position with regard to adoption of international conventions in the field of human rights.

A few words regarding the work as a whole will be in order. The author does not seem to have taken much assistance from knowledgeable persons in preparing the work. There are obvious mistakes which have crept in because of careless proof-reading; Grammatical errors are noticeable on almost all the pages of the book. Materials unceremoniously thrown in the footnotes could have been used for substantive discussion of the problems. In preparing the second edition of the book, the author may well take these criticisms into account.

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## BOOKS RECEIVED FOR REVIEW

AVTAR SINGH, *Law of Contract*. 3rd ed. (1980). Eastern Law Co., 34, Lalbagh, Lucknow. Pp xlvi+480. Price Rs. 40.

ATTILA RACZ, *Courts and Tribunals: A Comparative Study*. 1980. Akadémiai Kiadó, Budapest, Hungary. Pp 246. Price \$ 19.

C.R. NEWTON and R. PARKER, *Cases and Statutes on General Principles of Law*. 1980. Sweet & Maxwell, London. Distributors: N.M. Tripathi Pvt. Ltd, 164 Samaldas Gandhi Marg, Bombay. Pp. xxvii+330 Price £ 6.50.

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J.P.S. SIROHI, *Criminology and Criminal Administration*. 1980. Allahabad Law Agency, 9 University Road, Allahabad. Pp. 307. Price Rs. 20/-.

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