

**SOCIO-LEGAL PROBLEMS AND DEVELOPING SOCIETY (1986).**

By N. Sanajaoba. Deep and Deep Publications, New Delhi. Pp. 331.  
Price Rs. 225.

**TO BELIEVE** that one person can write with ease and confidence on such diverse themes like genetic engineering, ecospasm, theories of democracy, alcoholism, human rights and legal education, one must turn to the book under review.<sup>1</sup> But one has to turn from page to page to know about the author's perception of developing society and its socio-legal problems because one would not find any introduction, preface or even a table of contents. The announcement of a foreword by Justice Krishna Iyer is also deceptive there being no foreword inside the book.

The book has three parts, namely, (i) public law; (ii) science and law; and (iii) theories and education. It comprises 15 chapters. "Public Law" discussion begins with human rights.<sup>2</sup> Here the author usefully enumerates some key human rights conventions and highlights the global concern for promotion of human rights. Coming to the Indian human rights, the author expresses his deep concern over the shortcoming of the Indian "approach". He complains of the Brahmanical supremacy in higher echelons. In his counting most of the leaders including the Prime Ministers, 40 per cent of the Supreme Court Justices, and 50 per cent of the Constituent Assembly members had been Brahmins.<sup>3</sup> The shortcomings include the state repression of thousands of Naxal heads of North Eastern States, 3,000 annual ethnic explosions, 1,50,000 suspects in 1,220 jails and 50 lakhs pending cases in courts.<sup>4</sup> One does not know the source of his counting of violation of human rights.

The author's agony with the functioning of Indian democracy is more courageously manifested in his essay on the problem of illegal massive aliens in Assam, Manipur, Nagaland and Tripura.<sup>5</sup> He blames the Government of India for not being able to salvage the "locals" from the inequities caused by ceaseless inflow of Bangladeshis in these areas. The government, according to him, has failed miserably to raise the issue of repatriation of illegal aliens to their countries of origin, at the bilateral or multilateral level or prepare a case in the United Nations. This indifference is attributed to "extraneous reasons like buying certain religious lobbys inside the country or abroad."<sup>6</sup> Even the illegal Immigrants Act 1984 is viewed by the author as simply legalising illegal aliens. He suggests an Indo-Bangla pact for the

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1. N. Sanajaoba, *Socio-Legal Problems and Developing Society* (1986).

2. *Id.* at 1-25.

3. *Id.* at 14.

4. *Id.* at 20.

5. *Id.*, ch. 5.

6. *Id.* at 88.

repatriation of aliens. Other suggestions made by the author are worth considering.

The author's anger over the Indian rulers and governors is writ large throughout the book. While discussing the theories of democracy<sup>7</sup> he repudiates the Indian democracy as a farce being operated on a minority vote in the guise of mass rule. Representative democracy in India has never operated with "legitimate political authority" but as a "*diktat* of Nehru dynasty."<sup>8</sup> Here a "substantial number" of the M.P.s and M.L.A.s "have criminal or shady records"; many of them are the "delegates of the landlord lobby or, black money or, smugglers."<sup>9</sup> Can a government that comes to the saddle of power after spending several hundred *crores* of rupees in the election rituals be clean at the source, he asks. He goes on to describe the preambular "We the people of India" as a "big fraud" because the Indian masses have always been herded and led by a few "anglicised *Brahmin God-fathers* who threw themselves as leaders of national stature."<sup>10</sup> To him the visitor's gallery in *Lok Sabha* encircled by security personnel looks like a "dignified gestapo citadel" and the legislators are found to be indifferent or unaware of the issues being discussed in Parliament.<sup>11</sup> All that the present reviewer can comment here is that in a scholarly work like the present one, these kinds of "bold" observations are misplaced. Instead of overindulgence in accusations, perorations and exodius exercises, the author could have dwelt upon the conceptual and jurisprudential framework of the rule of law, democratic norms and the identification of socio-political forces hindering the realisation of constitutional values.

The author's obsession with Qathafi's so-called "Third Universal Theory" propounded in his *Greenbook* is worth remembering.<sup>12</sup> He is so much enamoured by the Libyan "direct democracy" that he devotes 18 pages in its admiration.<sup>13</sup> We do not know what kind of democracy operates in Libya except that we occasionally hear about threatened coup against Gadaffy and about attempt on the life of the Libyan Major Jalloud. The author naively claims that Qathafi's theory of direct democracy would involve all the people in decision making process and would bring about an economic democracy which regards all the workers as partners in national production and co-owners of people's wealth. And he very unjustly equates the ideology of Qathafi with the ascetic socialism preached by Mohandas Karamchand Gandhi. Be that as it may this "Third Universal Theory" has no relevance in Indian social and political set-up.

7. *Id.*, chs. 10,11.

8. *Id.* at 272.

9. *Id.* at 231-32.

10. *Id.* at 237.

11. *Id.* at 40, 43.

12. *Id.*, ch. 11.

13. *Id.* at 239-257.

The discussion on ecospasm is highly instructive.<sup>14</sup> But in dealing with genetic technology<sup>15</sup> the author has unnecessarily overloaded the chapter with numerous scientific terminology and accounts of laboratory research experiences. There is very little discussion on "socio-legal dimension and legal regime" of the genetic engineering as suggested in the title. The author, unwittingly, expects miraculous transformation of human race through "gene-tech" as he calls it. One wishes that he is right in hoping that through this technology the "Diabolical concepts like ethnocentrism of the white or the Albians, or the aristrocentrism of the Ku Klux of the United States, the neo-Nazis and Brahminism in the Hindu World will never find a place in the future dictionary of the human species"<sup>16</sup> and the gene-splicing and gene-therapy of these "groups of devils" will finish off the last vestiges of such human traits like colonialism, racial discrimination and oppression of minorities.<sup>17</sup>

Move on and you will find yourself among the alcoholics. You will be told about the kinds of alcoholics and of the kinds of alcohols. The author perhaps, rightly believes that the prohibition laws should be complemented by massive clinical therapy of the alcoholics.<sup>18</sup> The portions dealing with the state of legal education in North Eastern States is highly informative.<sup>19</sup> The chapter on reform of legal education contains a useful recount of the proceedings of All India Law Teachers Conference meetings and of Poona Seminar on Legal Education.<sup>20</sup> The chapters on radical reform of land laws<sup>21</sup> and evolving Indian public law are very well written.<sup>22</sup>

Despite the lack of systematic presentation and critical appraisal, the book is highly informative and may be of immense interest to those who plan to study the interaction of law, science and technology.

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14. *Id.*, ch. 7.

15. *Id.*, ch. 8.

16. *Id.* at 194.

17. *Ibid.*

18. *Id.*, ch. 9.

19. *Id.*, ch. 15.

20. *Id.*, ch. 14.

21. *Id.*, ch. 6.

22. *Id.*, ch. 4.

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