



HUMAN RIGHTS AND THE LAW (1996). By Paramjit S. Jaswal and Nishtha Jaswal. APH Publication Corporation, New Delhi. Pp. xxvi+395. Price Rs. 600.

BARBARA EPSTEIN, editor of the world famous *New York Review of Books* states that a book review, is a description and explanation first and not a judgment while the reviewer should have the sympathy and respect for another writer's work.

The human rights treatise contains seven chapters printed in fine and excellent print of this high-tech age tempting the customer to buy it, digest it and form independent opinions about human rights in India. Chapters I and II present the evolution of human rights under the roof of the United Nations. Chapters III and IV and also chapter V furnish constitutional crystallisation of the human rights in the past couple of decades in India. Chapters VI and VII dwell upon National Human Rights Commission and the epilogue to be followed by an elaborate scheme of annexures.

We make efforts to see the vision in the eyes of the authors. Former Chief Justice of India, Ranganath Misra, Chairman NHRC, observes:<sup>2</sup>

Human Rights and the Law in this background written by two young teachers of the Panjab University at Chandigarh, is indeed a proof of how effective attempt can be to popularise human rights and fulfil the obligation cast by the preamble of the Declaration (*sic*. University Declaration of Human rights, 1948).

The book is timely, since there are not many titles on human rights at the time of installation of NHRC in India. Justice Misra had a feeling that Jaswal's book in 1996 could be the first. We do not differ.<sup>3</sup>

The co-authors at the end of the epilogue leave the human rights and fundamental freedoms to the "forward looking legislature, dynamic executive and by the independent judiciary"<sup>4</sup>. This is the message, which ought to be taken as seriously as one can.

In chapters I and II, the evolution of human rights under the aegis of the United Nations, has been drawn up. The brief historiography is replete along with the nine annexures, *viz.*, (i) the Universal Declaration; (ii) the two major Covenants; (iii) two optional protocols; (iv) ratification chart; and (v) three annexures relating to India, *viz.*, (a) Declaration by the Government of India signed by Neelam Sanjiva Reddy, President of India deposited on 10th April 1979; (b) the Protection of Human Rights Act 1993; and (c) the 1994 Regulations.

The notable features of this evolutionary terrain are marked by article 1 of the two covenants, which stipulate the legal right of the people to self determination, derogation clause as provided in article 4 (I) of the political covenant, the first optional protocol which empowers individual citizens to lodge complaints for violation of human rights by the parent government against the human rights

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1. Paramjit S. Jaswal and Nishtha Jaswal, *Human Rights and the Law* (1996)
  2. *Id.*, foreword.
  3. See, Naorem Sanajaoba (ed.), *Human Rights: Principles, Practices and Abuses* (1994).
  4. *Supra* note 1 at 277.



committee and the optional protocol number two that favours abolition of death penalty. Human rights are standardised universally.

The constitutional expression and articulation of the universal human rights is fairly presented in chapters III, IV and V of the text, which constitute the focal point of the treatise. The focal point of these three significant chapters lies in the enlarged province of article 21 of the Constitution of India. Judicial activism constructively widened the constituency of affirmative action, rendered the public interest litigation meaningful and elevated the prison - justice by way of attitudinal changes. The plethora of apex court decisions upto the year 1995 are profusely cited in this substantive corpus of the book.

The last two chapters describe the National Human Rights Commission while stating that the states are not prompt to constitute state human rights commissions. In the epilogue, the authors seem worried that the Government of India takes little note about its obligation to sign and ratify the two optional protocols. The authors could have reflected upon the institutional infirmities of the NHRC and its inability to take action at the violation of human rights by the state security forces on its own. The recent developments specially in the field of collective rights, right to development and so forth might possibly have been kept outside the purview of the well documented book. These areas are probably not the concern of the authors.

Every significant human rights book should have a place in one's personal library. This is one among them.

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