



HUMAN RIGHTS—PRINCIPLES, PRACTICES AND ABUSES (1994). By Naorem Sanajaoba. Omsons Publications, New Delhi-110027. Pp x + 322. Price Rs. 425.

FOR THE first time in history, human rights were recognised and enunciated in international law by the Universal Declaration of Human Rights 1948. By this Declaration no legal obligation was imposed on the states to give effect to its provisions. This Declaration has been hailed and proclaimed to be common minimum standards of achievement for all people and all nations. In order to implement the above Declaration on Human Rights, two separate Covenants were adopted in the year 1966. One of these Covenants was on civil and political rights and another on economic, social and cultural rights which came into force in the year 1976. And India did ratify both these Covenants on 27 March 1979. In fact it may be pointed out that human rights are basically the product of the democratic nations and states. However, in the world states, we find that all states are not democratic ones. India is among the democratic countries of the world. Most of the countries in Middle East and Africa are not democratic countries. And therefore it is difficult to imagine that there would be complete protection of human rights in non-democratic countries.

The present book under review¹ is a collection of a variety of seminar papers on human rights presented in a University Grants Commission's Seminar held in May 1992, under the auspices of the Post-Graduate Department of Law, Gauhati University. In this volume Sanajaoba has contributed three learned papers out of the 18 published. The author has very aptly stated that before the Declaration of Human Rights by the United Nations in the year 1948, human rights jurisprudence was merely ideological and metaphysical. And he believes that scriptural pro-human rights are supposed to have mystical source.²

The author has divided the book into two parts. Part I deals with a collection of papers on human rights norms and standards and part II is devoted to papers dealing with human rights violation. The paper written by Sanajaoba titled "Human Rights Standard Prerogatives", is really thought provoking and appreciable, theoretical and jurisprudential in nature. He analyses that the positivist-naturalist debate on philosophy of law human rights would be narrowed down at a certain level, when positivism is deeply structured and informed by the natural law premises.³ He further states that it is the problem of contradictory premises that has rendered the debate dogmatic and irreconcilable, but positivist premise could be based on natural law and natural law premises too might be positivism - friendly.⁴

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1. Naorem Sanajaoba, *Human Rights—Principles, Practices and Abuses* (1994).
 2. *Id.* at 8.
 3. *Id.* at 9.
 4. *Ibid.*



Bahrul Isam's paper on human rights perspectives has very rightly pointed out that in ancient and medieval times, the concept of human rights was unknown to the dictatorial absolute Kings.⁵ This is true even in the modern times where dictatorship and Kingship prevail.

In his article on 'Right of Nations to Self Determination' Sanajaoba writes and asserts that the puzzle that pinches the conscience of the rest of the world is that India, inspite of her consistent repudiation of colonialism, neo-colonialism and domination of people elsewhere is very much incapable of demonstrating to the freedom loving world that India never remains behind any country in conceding and not withholding the right to self-determination to the people in Assam, Punjab, Kashmir, Nagaland and Manipur, where they have resorted to militant armed struggle against the Indian army, which they label and conceive as the occupation army.⁶ This reviewer does not agree with him at all because it may only be his personal opinion that people in those places consider Indian army as occupation army and the struggle there is of the people. In fact what is happening in all the above places is that the militants want to claim human rights for themselves and do not care about the human rights of the common masses by massacring them. In fact those who are violating human rights are clamouring for self-determination and human rights. This is in fact a dilemma in human rights jurisprudence.

The other papers in the volume part I include Human Rights of Woman and Rights of Child Labour and Human Rights which are reasonably well written. P.D. Gogoi has written a paper titled 'Ruling Elites and Human Rights Violation (A Reflection)'. This is a thought provoking paper where he rightly states that 'we are away from the time when men were born not only free but when they lived a free community life though it occurred in a primitive situation'.⁷ In fact in primitive society there were few rules, laws and regulations in the community. These circumstances were possible then because the population of the tribes and communities was very small. Now it is impossible to imagine such kinds of communities. A. Rahman's paper on 'Abuses of Science and Human Rights' is very informative highlighting the sad effects of science on human life in the modern world.⁸

On the whole the present volume under review is a new addition to the literature on human rights jurisprudence. However, it is an expensive publication priced at Rs. 425. This makes it difficult for the individual buyers of books to buy a copy. It is recommended for the students and scholars of international law and human rights jurisprudence.

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5. *Id.* at 27.

6. *Id.* at 53-54.

7. *Id.* at 131.

8. *Id.* at 202-14.

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