

UNCRITICAL INVENTORY

A strange gap exists between academic writing on human rights and the work of organisations that strive for the protection of human rights. Hardly ten, or perhaps even five years ago, a collection of articles by academics on human rights would have been unimaginable. Though quite a few persons from the teaching profession were in the human rights movement, the activity had little respectability. It was associated with extremism and anti-national subversion.

Things have changed today to the extent that human rights has become a 'buzz word' as Sarvepalli Gopal says in his brief foreword to this collection of articles. Yet the gap between what concerns the practitioners of the human rights movement and what appears to engage the attention of commentators from the academic world remains sizable, if one is to go by this volume.

The volume is titled Human Rights in India, but there is little about India and much, though of a desultory character, about the whole world. It is subtitled Historical, Social and Political perspectives, but there is little that one might call a perspective, whether historical, social or political.

Excepting one article by Indhrani Sridharan titled Practising Human Rights: A Feminist Perspective, all the others narrate the contents of various instruments of human rights, International and Indian, and let the instruments speak for themselves. Sridharan's article is an impassioned account of the continued prevalence of gender-related violation of human rights that has survived and continues to survive all laws and all reforms. But that article is an exception in this collection. The rest of them are content to describe the resolutions, covenants, declarations, statutes and organisational structures aimed at protection and strengthening of human rights, globally and nationally. But for an occasional comment that these instruments and structures have not been fully efficacious there is little attempt to look behind the external features of the declarations and institutions. It is not that one expects a declamation that the outward façade of these instruments is fake or illusory, but one does expect some thing more than a mere catalogue. A good example is the article of V.Vijayakumar that promises a perspective on the 'Working of the National Human Rights Commission'. The article is a largely uncritical account of what the NHRC has reported about its own activities in its news letters. While much has been said about the ineffective character of the powers the Commission has been given by the law (V.R.Krihna Iyer's blunt comment is quoted by the author), for which of course one does not blame the Commission, much could be said

but is left unsaid about the strange way the NHRC has rendered itself even more ineffective by its own inhibitions, especially during the Chairmanship of M.N.Venkatachalaiah.

The same can be said about the praise reserved for the Supreme Court of India and its record of protecting human rights. Once again, this reviewer has no desire to debunk the Supreme Court's contribution in the matter, but what is required is a rounded analysis of the little the Court has done and the lot it has never tried to do, the selective attention it has paid to human rights, and the very arbitrary application of its own principles in subsequent cases, by the Supreme Court as well as the High Courts which are supposed to follow the law laid down by the Supreme Court.

Human rights organisations working at the ground level have not developed much theoretical perspective either, for a variety of reasons that this is not the occasion to go into, but they have done rich documentation. That effort does not appear to have caught the attention of the contributors to this volume. What could be a fruitful collaboration between field workers and academics is an analysis of the former's documentation by the latter to reveal principles of understanding that may help clarify perspectives. No such help is forthcoming from this collection.

The uninformed attempt made by K.S.Krishnaswamy in his article 'Organisational basis of human rights' to catalogue human rights organisations in India and their activity gives rise to some doubt as to how well informed is the rest of the information provided by that author and the others in the collection. The name of the organisation formed by Jawaharlal Nehru and other Congress leaders in 1936 is not Association for Protection of Democratic Rights but the Indian Civil Liberties Union. It is not 'still functioning in West Bengal', but became defunct soon after power shifted into the hands of Congressmen. The Association for Protection of Democratic Rights that is 'still functioning in West Bengal' came into existence in 1972. To take another example, this reviewer has been working for the cause of human rights in Andhra Pradesh for nearly two decades now, but has not heard of the National Centre for the Protection of Human Rights, New Delhi whose Andhra Pradesh branch is said to be well known for its 'people-oriented programmes to safe guard democratic and human rights'. Nor has this reviewer heard of the Delhi Democratic and Civil Liberties Union that is said to have 'built up a rich resource (of information)' at Delhi, in spite of making trips at least twice every year to Delhi during the last two decades in connection with civil liberties work. The abysmal gap between those who have been doing some thing or the other to protect human rights in this country and those who have presumed to write a collection of articles with a definitive sounding title on the matter is evidenced by the fact that the Hyderabad based

civil rights leader and lawyer Kannabiran whose identity is well known to all who know any thing at all about rights activity in the country is mis-spelt and listed in an arbitrarily compiled inventory of Tamil Nadu based activists.

While the lack of any social analysis of human rights violation in India is disappointing, comments such as those of M.Sundara Raj (Awakening of Human Rights) that the ancient Hindu concept of Chakravarthi visualises 'a one-world government to establish peace' and that Manu's dharmashatra 'is a code of law for the entire human race and not just one nation' and that it emphasised the 'universal reach of legal concepts', and of C.Joseph Barnabas (Religious Freedom and Human Rights) that the concept of human rights is rooted in religion, that all religion is based on positive values, and in particular that the Hindu concept of dharma is 'basically the order inherent in man' is not likely to inspire much faith in the discernment of the writers.

It is not this reviewer's case that the volume is entirely useless. If you are interested in knowing the various U.N instruments and instrumentalities relevant to the cause of human rights, not their efficaciousness but their structure and objects, and if you are interested in knowing the views expressed by the Supreme Court of India on human rights vis-à-vis the Indian Constitution, this can be a useful book. A good instance of such an informative account is V.Vijayakumar's 'Refugees and Human Rights: Internatonal and National Experience'. But whether you would be prepared to pay Rs 545 for that little is entirely a matter of your choice.

(Book Review : Human Rights in India: Historical, Social and Political Perspectives. Ed. Chiranjivi J. Nirmal)