



LAW, JUSTICE AND HUMAN RIGHTS IN INDIA
by Kalpana Kannabiran,
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India is a country where there is never any dearth of human rights issues calling for attention and discussion. To the scores of books that are published on this subject every year must be added the present one which is a collection of short articles originally published in domestic newspapers and magazines.

The author is an independent researcher with an academic background. Divided broadly into two parts which deal with: (a) Discrimination; and (b) Civil Liberties, Human Rights and Law – the neatness of which is open to question given the obvious overlaps between those categories – the volume traverses a large number of topics, including caste-based discrimination, tribal rights, constitutional morality, prisoners' rights, the right to privacy, women's rights, capital punishment, the right to dissent, and citizenship rights. All the articles reflect a strong leftist perspective, with an underlying critique of power and dominance, and an assumption that most problems of the kind discussed in the book are the products of structural injustice.

Many of the author's opinions would brook little argument, representing as they do very reasonable views in a plural, democratic society. Sample this passage about the importance of the independence and probity of judges (written shortly after the Supreme Court of India had, in a shocking departure from accepted norms of natural justice and fair play, hastily convened a bench to protect the then chief justice, Ranjan Gogoi, from allegations of sexual harassment levelled against him by one of his own staff members):

The argument is that an independent judiciary is indispensable to check arbitrariness on the part of the legislature and the government. What is often forgotten is that an independent judiciary also importantly acts as a check on itself, and must apply the principles of natural justice and fair procedure to itself with greater rigour than it would to the parties that appear before the court. The expectation of citizens is that the court will lead by example, not by arbitrary diktat.