**Human Rights in India**

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In India the rise of Hindu nationalism is indicative of a more circuitous path cultural relativism has assumed to challenge [human rights](https://dailytimes.com.pk/520511/kaarvan-crafts-launches-three-day-countdown-to-human-rights-day/) theory’s claims that human rights are intrinsic to human beings, and, are therefore prior to culture and thus inalienable.

The future of human rights and the overall question of democracy and secularism in India have never been more threatenedthan under the current dispensation constituted by the BJP-RSS-Sangh Parivar Juggernaut. Authoritarian tendencies began to surface in Indian politics in the 1970s, which now they have attained hegemonic status with the Hindu Right hell bent on supplanting through an array of legal subterfuges and mob politicsthe liberal-secular underpinnings of the Indian constitution with majoritarian notions of a Hindu Rashtra (nation-state).

This edited volume includes twelve chaptersorganized in three parts, each part comprising four chapters. Part one examines issues pertaining to constitution, law and the judicial process. We learn that the freedom of speech in its pristine Voltairean meaning and other classical civil liberties have suffered atrophy in the face of the rising tide of right-wing ideology. Equally, the right of judicial review vested the Indian Supreme Court too has been prone to political considerations instead of strict adherence to sound constitutional principles. Such a tendency has emerged in the backdrop of parliamentary democracy acquiring majoritarian characteristics, which in turn have received tame acquiescence by the Supreme Court. Such developments have been compounded by suspicion and fear pervading society in general pertaining to national security and integrity. Also, included in this section is a chapter on official and informal parallel systems of justice at the local and cultural levels. Given the cultural and regional diversities it is understandable that the parallel systems leave their imprint on human rights. A tension is understandably generated between human rights originating in the Western experience and the indigenous ideas of rights and propriety obtaining in the larger society.

Part two begins deals with specific human rights violations. Satvinder Juss’s chapter ‘Unconstitutionlising India’s death penalty’ informs that the death penalty has very shaky foundation in Indian constitution. On the other hand, Article 21 upholding the right to life is augmented by several other related constitutional provision, and several prominent judges have in their rulings and observations underscored that the death penaltyis not compatible with the moral and ethical standards of contemporary democracy. Indeed, the death penalty has been abolished in the European Union and more countries are following suit. Also, in India the death sentence is prescribed very sparingly and only for exceptional cases of serious crimes. However, real and contrived fears of terrorism and war whipped up by political entrepreneurs representing Hindu nationalism have meant that the apex court has handed down death sentence to those demonized by hostile public opinion.

The book was completed and published before the recent controversial judgement of the Indian Supreme Court over the ownership of the Ajodhyasite where a mosque stands was announced. Its inclusion would have amply demonstrated that political rather than strictly legal considerations affect the rulings of the apex court because the Supreme Court rewarded the culprits it itself had identified by granting them ownership of the disputed site, while making a compensatory land grant to the Muslims.

A chapter on the notorious anti-Muslim Gujarat riots of 2002 makes a compelling case to assert that the ‘Gujarat pogrom was an essential marker of the ideology of the Indian nation as Hindu supremacist’. We learn that the administrative system was rabidly biased against Muslims and the BJP governments including that of Narendra Modi was virtually complicit in those organized assaults on Muslims which claimed some 2000 lives. Another chapter examines the transgression of human rights of lesbians, gays, bisexuals and transgenders by society and poor legal protection to them. NGOs and civil society in general have campaigned in their behalf. As a result, some progress has been made in obtaining legal protection of such vulnerable groups. The fourth chapterdeals with the horrendous incident of acid throwing on women. Demands for dowry, refusal to marry a man and vain concerns about honour are some of the motives which lie at the bottom of acid throwing attacks. A strong plea is made for effective laws to combat acid throwing as well as criminalizing the sale of strong acids.

Part III includes chapters focusing on emerging human rights issues. We learn that big business in conjunction with corrupt politicians and compromised state functionaries ride roughshod over the most basic human rights of survival of ordinary hapless people. In the name of development not only their residential localities are bulldozed but their fields and grazing grounds, forest habitats and water resources are expropriated and destroyed. The last chapter is a moving reminder to the World Bank that human rights are adversely affected by its Partnership Strategy for India (2013-2017).

The editor must be congratulated for publishing a book which is rich is data and evidence upon which his colleagues have brought to bear their expertise and thus contributed both conceptually and theoretically to understanding, explaining and warning about the negative implications and ramifications of narrow vested interests prevailing over the human rights of people.

Apart from the reasons and explanations the respective contributors have given for the precarious situation of human rights in India, one can add that transplanting human rights which originated in the West to India has meant that human rights are not anchored in the native soil.

The deeper cultural and social ideas of rights and justice assume hierarchy as a righteous given, whereas the idea of human rights is premised on the horizonal equality of all human being. The erstwhile modernizing elite which came to power in India was presumably confident that it would be able to entrench human rights in indigenous culture and attitudes. Their expectations have at best been realized only partially.

What is true of India is true of many of states which were created in the wake of decolonization. In Pakistan, human rights were quite early hedged in through cultural relativist arguments justifying limitations imposed by Islamic law on them. In India the rise of Hindu nationalism is indicative of a more circuitous path cultural relativism has assumed to challenge human rights theory’s claims that human rights are intrinsic to human beings, and, are therefore prior to culture and thus inalienable.

Soon an Indian publication will follow which will make it available at reasonable price to readers in both India and Pakistan. It is a must read for all who want to be informed about the threatened future of human rights and related ideas of democracy and secularism.

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