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BOOK REVIEW

Book title: Human Rights and Development

Name of the Author: Sri Lakshmidhar Mishra, IAS (Retd.)

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Darya Ganj, New Delhi - 110002.

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- By Prof. DR. S.C. Roy¹

The Book titled: Human Rights & Development; Authored by Sri Lakshmidhar Mishra, IAS (Retd.) Is an excellent piece of work. The cover page of the book is highly attractive which suggests the title of the book. This book deals with the bonded labour system. In India, genesis, Legislative history, remedies available in the statute, NHRC, various cases, case studies with defence to abolition of bonded labour system in India.

The author of the book is a seasoned administrator who joined IAS service in 1964, holds doctorate in educational planning from Inter Cultural Open University, Amsterdam. He has long experience of working with the government of Odisha (1964-78 and 1994- 95), and central Government (1979-2000), during this period he was appointed as socio- Legal investigating commissioner in to bonded labour. After voluntary retirement in 2000, he joined ILO (International Labour Organisation). He has several Articles and books to his credit, including prestigious Mother Teresa International Award for his outstanding contribution to Promotion of Human rights.

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The book has been forwarded by honourable justice MN Venkata Chaliah (e.g.) introducing the nature of discussion in the book as 'harrowing condition of the Poor, unexploited section of our society'. This adjective duration to the author is an inference has 'he was made to rotate from revenue and land reform to labour at nascent stage of his career'. In the middle of his career he moved to different departments, back to labour at the 'pinnacle' of his civil services carrier.

The author mentions his the director-general (labour welfare) in August 1982, as 'it was the best of times; it was the worst of times; Court form A tale of two cities by Charles Dickens. This shows the author's interest in literature to understand the real situations of life.

The author has described the background of the bonded labour system (abolition) act 1976 in a story telling mode, the national emergency which was proclaimed on 25th June 1975, under article 352 of the constitution. In this period, a twenty point economic programme was launched which among the listed one of the aim was to, 'elimination of bonded labour.

In 1975 to 77, where memorable years as far as deliverance from the bondage, indebtedness, and landlessness and deprivation are concerned. The BLS was fourth of the twenty point programme announced by the then Prime Minister Smt. Indira Gandhi to the nation on 1st July 1975. This followed Labour Minister's conference to discuss abolition of BLS and through ordinance on 25th October 1975 BLS (A) act came into existence the author has discuss the Bonded Labour System (BLS) Abolition Act in its introductory chapter.

The genesis of the legislation and its characteristics with reference to sectional provisions.

The author had started comparing with contract Labour (Regulation and Abolition) act, the BLS (A) has an intention for total abolition. The author has explain the bonded labour system under the heading individual aberration. Here, the author has explain who is bonded labour, his fate despite International , constitutional and legal provisions, policy and programs of government under the heading institutional infirmities- the enforcement mechanism has been discussed with reference to vigilance committee (VCs) which is not constituted timely, nor in conformity with Section 13 of BLS (A) act. The apathy of the members from field visit as required u/s 14(e), and investigation into complaints. Hence, their transactions are ceremonial character. The VC is also lack any logistic support to enable them to discharge their statutory function. The sections 10, 11 and 12 of BLS(A) have conferred wide power on DM with an objective that the provision of the act are properly carried out promoting welfare of the freed

bonded labourers by securing economic interest, stringent actions against those who are the perpetrator of BLS. But BLS has not received priority attention. The result is lack of proper identification of bonded labour, no proper survey, no improve involvement of NGO or voluntary social action groups in the identification of victims.

The author has discussed in the second chapter, 'what is development' here author cited development with various dimensions and connotations, i.e. is in relation to the mind and spirit access to facilities and opportunities, treatment of citizen and human freedom. The author has explained each connotation vividly. The author explains the consequences of loss of freedom-poverty, hunger, starvation, malnutrition and disease. These reference seems very appropriate with reference to the title of the book. The author has objectively cited who are poor in Indian context and how are they deprived of their human rights. The author has also raise the issue of pro-gender, pro-children, dimension of development.

The third chapter deals with 'what is Human Rights?' The author has uniquely put definition as- 'balancing the inalienable right of us all as the human beings within the community, society or body politic regardless of differences in birth, social origin, caste, class, sect, gender, physical difference, faith and belief political ideology and so on'. Here the poem of Rabindranath Tagore 'Pran' in the anthology of poems 'Kadi and Komal' has been cited which reflects sixth dimension of human right the author has discussed landmark cases i.e. DK Basu vs State of West Bengal (AIR 1977 SC 610), Nandini satpathy vs PL Dani (1978 SC 1025), Prem Shankar vs Delhi administration (AIR 1980 SC 1534), ADM Jabalpur vs Shrikant Shukla, Sunil Batra vs Delhi administration. In this chapter in order to highlight 'what is human right?'. Finally the author looks the concept of human right in dignity, well-being of a human being and respect accorded by the society. Hence, it is true that life liberty and dignity go together. Here the discussion of Maneka Gandhi Vs Union of India (AIR 1978 597) is appropriate and convincing.

Section II of this book deals with issue of FAQs (frequently asked questions). It has been drafted in question answer mode. It seems it is a notes but it is very-appropriate and objectively covering 70 questions. The framing of question are just like Research question which are framed in doctoral research. The author first questions discusses about law and legal framework with respect to article 13 of the Indian constitution. Question number 3 deals with bonded labour with reference to article 23, law on abolition of BLS with reference to article 35(a)(ii), which has been discussed critically. The question 7 of the section deals with begar with

reference to ILO (international Labour Organisation). Question number 8 deals with forced labour. The 9th question deals with community of vision, purpose and goals of human right and human development. The question number 12 deals with forms of bonded labour- customary bondage, inter question generational bondage, inter-state distress migration and bondage, bondage arising out of trafficking. The victims of agricultural system- sharecroppers have been discussed in the question number 13, whereas a central causatives have been discussed under question 14 and assessment 'to what extent such objectives have been fulfilled' under question 15. The author has taken up the issue of normal migration and distress migration with migration and trafficking.

From question 16 to 23 the question number 24 deals with the Bachpan bachao andolan, whereas question number 25 deals with whole of NHRC in prevention of separation of trafficking in human being. Further, the questionnaire discussed about the victims of BLA and rescue measures stepwise up-to question 32. The author has analysed rehabilitation measures in different part of countries read with question number 40 the question number 45 deals with various cases related to BLS, outcome of initiatives under question 50 in different states of India. Question number 52 deals with various rehabilitation mechanism- Pradhanmantri Kaushal Vikas Yojana Pradhanmantri Awas Yojana, National rural livelihood mission, Pradhanmantri Jan dhan Yojana, Balika sammoudhi Yojana, etc. the recommendations of various National commissions and committees on elimination of BLS have been discussed under question 54 the contribution of various institutions- Lal Bahadur Shastri National academy of Admin, Massoorie, V.V. Giri national labour institute, voluntary organisations, social action groups representative of people, bureaucracy, the Panchayat have been discussed elaborately..

The question number 61 deals with gaps, omissions, ambiguities, and deficiencies in the framework of BLS (A) Act, chapter wise the next question Deuce with problems constraint and challenges in elimination of BLS in India.

The author does not stop here and moves ahead by raising issue 'What needs to be done to prevent recurrence and reoccurrence of BLS?'

Book deals with the current issue related to wage code Vis-a-Vis the provision of BLS (Abolition) Act under question 64, comprehensive and integrated law covering trafficking under question 65, constraints and limitation in conducting effective social investigation, effective solution to the long and costing human malady, critical awareness consciousness. The

author has illustrated a real life event in question number 69 and summing up with question number 70 ending with the same poem of Rabindranath Tagore in 'kadi and Komal':

*Into the mouth of these
Dumped, pale and meek
we have to infuse the language of the soul
into the hearts of these
Weary and Worn, withered and forlorn
we have to minstrel the language of humanity.*

Third section of the book is titled; 'endnote'. In reality it is not the 'endnotes' like 'footnotes' in the research paper or book. It is in fact the chapter titled- in retrospect and prospect- which contains the summary and concluding remarks. The book has reference at the end- along list which will help the readers and researchers in there for the research followed by abbreviations and index. The publisher Dinu Kaul Verma for Vitasta publishing Private limited 2/15 Ansari Road, Daryaganj, New Delhi, also discuss to be praised for the proper shaped composition of the material and meaningful getup.

Hence, this monograph is submitted before the reader researcher, academicians, policy maker for through reading of the book. The author Mr Lakshmi Dhār Mishra deserves thanks for his great contribution to the society. CNLU library is proud of having a collection of rare 'creative work'.
