



are said to be repealed by the Eighth Schedule of the Rent Act of 1920. In the Schedule decreeing their repeal, they have been kept alive for some purposes and all this leads to the immense complexity of the Act of 1957, with which the authors are mainly concerned in the book under review.

Added to the complexity of the Act of 1957 is its bad arrangement. "More than half of it, including the most important provisions, is contained in schedules, much of its language can hardly be described as felicitous, there are many careless errors and mistakes and difficulties of interpretation are legion. . . . Some provisions of the Act appear not to have been fully thought out by the draftsman" (Introduction). The authors confidently predict that the Act of 1957 "will prove as troublesome to landlords and tenants and their legal advisers as any of its predecessors". It is a pity that if it was not possible to simplify the Rent Acts, no attempt has been made by the legislature to consolidate them.

To speak about the bad craftsmanship of the Act of 1957 is not, however, to belittle the good work done by the authors of this book. True to their great reputation as the editors of Woodfall, they have done, in the present instance, the best of a bad job and it is difficult to overstress the extent of their magnificent achievement. Their book will be an invaluable help to the harassed tenants and landlords alike.

Some of the provisions of the Act of 1957 (Housing Act) will be of interest to an Indian reader. For instance, section 77 of the Act defines overcrowding: a dwelling house in which the number of persons sleeping is such that any two of those persons being persons ten years old or more of opposite sexes and not being persons living together as husband and wife must sleep in the same room. Another instance again: a certificate of disrepair issued by the local authority will nullify any notice of increase of rent. It rests with the landlord to apply to the local authority for cancellation of the certificate and the only ground on which he can apply is that all defects specified in the certificate have been remedied.

Altogether it is a very practical and useful book for the study of present Rent Acts in England.

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The Legal Frame Work of World Trade: By V.A. Seyid Muhammad. Library of World Affairs No. 4. Editors: George

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W. Keeton and George Schwarzenberger. Published under the auspices of the London Institute of World Affairs by Stevens and Sons, Ltd., 119 and 120, Chancery Lane, London W.C. 2. (XV and 348 pp. incl. index) Price £ 2-2 Sh. net.

This book by Dr. Seyid Muhammad deals with the legal aspects of international trade with main emphasis on the General Agreement on Tariffs and Trade. The GATT is the latest of the series of attempts by multilateralism to establish a code of conduct in international economic relations within an institutional framework covering eighty per cent of the volume of world trade. The author analyses in considerable detail the theory and practice of the GATT both in relation to international customary law and the general principles of law recognized by civilized nations. In the introductory chapter which serves as a good historical background to the subject-matter of the book the author surveys the work done by the League of Nations in the field of international economic law. The various provisions of the GATT are compared with previous and contemporary treaties and the author points out some deviations and features characteristic to the GATT like the requirement of successful tariff negotiations as a pre-condition to accession and the weightage contemplated in bringing into force the Agreement. The GATT is examined in relation to the United Nations, the Havana Charter, the International Monetary Fund, The Schuman Plan and other international organizations, both governmental and non-governmental. The Most-Favoured Nation clause in the Agreement represents a novel approach by the contracting parties. Article 1 (1) of the Agreement provides that any advantage, privilege or immunity granted by a contracting party to a product originating in or destined for any other country in relation to matters specified in this paragraph, should be immediately and unconditionally accorded to similar products originating in or destined for the territories of all other contracting parties. The novelty lies in this; immediately a concession is granted by one country as a result of bilateral negotiations and that concession is incorporated in the GATT Schedule the Most-Favoured Nation clause comes into operation and the bilateral concession is automatically extended to all other contracting parties. This technique is known as bilateral-multilateralism. The author discusses in detail the practical application of the Most-Favoured Nation Clause and the number of exceptions provided in the Agreement (*viz.*, Exceptions in favour of preferences Art. 1; Quantitative restrictions Art. XIII; Balance of payments Art.



XII ; advantages granted in favour of frontier traffic, Free trade areas and Customs Unions Art. XXIV ; Security exceptions Art. XXI). Unless the Contracting parties act in good faith and in a spirit of economic good neighbourliness these exception are numerous and wide that that they would enable the contracting parties to practise discriminations and nullify the obligations under the Agreement. Examining the actual practice of the contracting parties the another has come to the conclusion that they have kept "good faith" and that "considering the number of countries involved and the volume of trade carried on, the number of cases which have arisen are negligible". The last chapter is devoted to an appraisal of the GATT. The author concludes that the "most outstanding feature is the evolutionary tendency manifested in the growth of the Agreement". There is a useful bibliography provided at the end.

The problems presented by State trading which is of increasing importance in international commercial relationship is adequately dealt with in a separate chapter. The inherent conflict between free and controlled economy may not be easy of solution. To harmonise this conflict the author suggests the introduction of a non-discriminatory quota system on a multilateral basis by negotiations and consultations between exporting and importing countries and by agreement among the exporting and importing countries on the volume of trade (on the basis of quantity or advalorem). These principles are to be "incorporated in the GATT either by introducing them in a separate article following Article XVII, or by introducing them in Article XVII itself. (Article XVII provides for non-discriminatory treatment by State trading enterprises). Apart from the objections foreseen by the author to this proposal one possible disadvantage may be that this may lead to some rigidity so long as countries cannot hope to increase trade by virtue of the quality of the goods they produce. However, as the author points-out, the proposal, if adopted, "will guarantee at least a minimum assured trade which is better than no trade or an uncertain trade".

Particularly commendable is the author's critical analysis of the numerous "escape clauses" of the Agreement. Though non-discriminatory trade is set out to be the laudable objective of the GATT the practice of States show a growing tendency to adhere to the exceptions provided than to the principle, thereby subordinating international commitments to national policies and cold war necessities. One such escape clause is Article XXI whereby the right of deciding whether a particular disclosure is contrary to, or an



action is necessary for, security reasons is vested in each contracting party. This reviewer finds it difficult to concur with the author's rather bold suggestion that before an international tribunal accepts the plea of national security the country making the plea should be required to make at least a *prima facie* case that considerations of national security are involved. National security is best left to the judgment of each country. As judges Anzilotti and Huber pointed out in their dissenting opinions in the *Wimbeldon* case "the right of a State to adopt the course which it considers best suited to the exigencies of its security and the maintenance of its integrity is so essential a right that in case of doubt, treaty stipulations cannot be interpreted as limiting it, even though these stipulations do not conflict with such interpretations".

One would wish the author had dealt with in detail the economic position of the under-developed countries *vis-a-vis* the developed countries who are members of the GATT. One drawback of the GATT is that it has not sufficiently taken into account the different stages in the economic development of the member countries. This has seriously impaired the enthusiasm of the under-developed countries and driven them to adopt restrictive and discriminatory policies on a regional and national level. It is hoped that in the next edition the author will give due consideration to this aspect. Another problem which the author has not dealt with in detail even though he has hinted the necessity for such a study is the effect of the GATT principles and decisions on municipal legislation.

Finally, since the theory and practice of the GATT form the substantial portion of the book, it may need constant revision incorporating the day-to-day development of the GATT.

The book gives a comprehensive survey and systematic analysis of the theory and practice of the GATT. It may be mentioned that few have ventured to correlate international law with international economics. When international economic law is a developing branch of international law Dr. Seyid Muhammad deserves congratulations for making this valuable contribution.

K.B. Nambyar

Books Also Received

1. *State Immunities and Trading Activities*, by Sompong Sucharitkul, M.A., D. Phil. (Oxon); Docteur en Droit (Paris); LL.M. (Harvard); Diplome de l'Academie de Droit International de la Haye; of the Middle Temple,