



with slight variations in nomenclature being treated under 'State Jurisdiction' (Ch. 4) and 'International Personality' (Ch. 3). The adoption of the same system in this case-book, may not be agreeable to all shades of opinion.

In fairness to the learned editor it must be added that advanced students of international law may easily overcome the difficulties referred to above, and to them the book will certainly serve a handy companion. The reviewer will be failing in his duty if he does not acknowledge the rare skill that the editor has exercised in editing and accommodating a large number of leading and representative cases without impairing the integrity of the decisions. It is hoped that in the coming editions Prof. Green will (1) incorporate cases decided by the courts of the Afro-Asian countries with a view to promote the growth of the 'general principles' referred to in the Statute¹⁴ and, (2) invent his own pattern of arrangement without unduly attaching his work to this or that text-book so that every student who follows any standard text-book on international law can make best use of the case-book.

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Law Relating to Bill of Lading and Charter Parties, By B. C. Mitra, B.A., LL.B., of the Middle Temple, Barrister-at-law, Senior Advocate, Supreme Court of India. 1962. The Indian Press (Pubs.) Private Ltd., Allahabad, pp. xxiii and 227 including index. Price Rs. 18/-.

Mr. B. C. Mitra's treatise on the Law relating to Bills of Lading and Charter Parties, as applied in India, will satisfy a long-felt want. The expanding volume of India's maritime trade and commerce has lately been impressing on lawyers and merchants alike the necessity of

"Lack of international personality is the common characteristic of all objects of international law. In other respects, they may be of somewhat disparate character: individuals, tribes, nations, cars, trains, ships, aeroplanes, land, lakes, rivers, seas, beast, fish and fowl." (p. 113) (Emphasis supplied).

The above description does not convey clear expression of the connotation of the conception, 'Objects of international law.' His treatment of these concepts gives the impression that what is not a 'subject' of international law must, by compulsion of his description, be an 'object' of international law. If so, the list of 'objects' is inexhaustible and there is no inherent logic in picking up only a few objects as though they alone are without international personality. Besides, it is difficult to appreciate what purpose is served by calling all things in the world without international personality as 'object' of international law.

14. See, Art. 38(1)(c) of the Statute of the International Court of Justice.

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a well arranged and concise handbook on the law relating to Bills of Lading and Charter Parties as the one under review. This branch of law, perhaps more than any other, transcends territorial frontiers of a State and any writer on the subject has necessarily a wide horizon to scan. On a critical appraisal of the book it will be seen that the learned author has fully appreciated the necessity of putting the Indian law on this subject in its proper place in the scheme of cognate laws of other countries engaged in international trade and commerce. The legal problems emerging from international trading activities are of ancient origin and the principles for their solution lie embedded in the time-honoured custom and practice of merchants and traders of different countries some of which have received judicial recognition from time to time. Not a few of the principles for the solution of such problems have been evolved or restated by International Maritime Conventions held from time to time and it is found that many of such principles have been incorporated in the majority of shipping documents in current use. With commendable industry Mr. Mitra has compressed within the short space of only about two hundred pages some of the scattered sources of this branch of legal learning and has also taken note of the relevant leading cases. We are sure that Mr. Mitra's pioneering activity will stimulate further research in this branch of law. The book has appeared at a most opportune moment and we venture to think, not a day soon.

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[E]very institution, be it the Executive, the Legislature or the Judiciary, can only function in exercise of the powers conferred on it; that is, the Constitution is the paramount law. As the Constitution declares the fundamental rights and also prescribes the restrictions that can be imposed thereon, no institution can overstep the limits, directly or indirectly, by encroaching upon the said rights.

But a mere declaration of the fundamental rights would not be enough, and it was necessary to evolve a machinery to enforce them. So our Constitution entrusted the duty of enforcing them to the Supreme Court, the highest judicial authority in the country. This court has no more important function than to preserve the inviolable fundamental rights of the people; for, the fathers of the Constitution, in their fullest confidence, have entrusted them to the care of this Court and given to it all the institutional conditions necessary to exercise its jurisdiction in that regard without fear or favour. The task is delicate and sometimes difficult; but this Court has to discharge it to the best of its ability and not to abdicate it on the fallacious ground of inability or inconvenience. It must be borne in mind that our Constitution in effect promises to usher in a welfare State for our country; and in such a state the Legislature has necessarily to create innumerable administrative tribunals, and entrust them with multifarious functions. They will have powers to interfere with every aspect of human activity. If their existence is necessary for the progress of our country, the abuse of power by them may bring about an authoritarian or totalitarian state. The existence of the aforesaid power in this Court and the exercise of the same effectively when the occasion arises is a necessary safeguard against the abuse of the power by the administrative tribunals.

—Subba Rao, J., dissenting in *Ujjam Bai v. State of Uttar Pradesh* A.I.R. 1962 S.C. 1621.