



section ; *a fortiori* any transferee by her before the commencement of the Act cannot be given the benefit of the provision of section 14 either, because no such provision exists." The High Court of Patna which had taken the contrary view in a number of decisions has in its recent decision in *Harak Singh v. Kailash Singh*, A.I.R. 1958 Pat. 581 F.B., over-ruled those decisions and adopted the view taken by the majority of the High Courts. There is only the solitary decision of the Allahabad High Court in *Hanuman Prasad vs. Indravati* A.I.R. 1958 All. 304, in support of the contrary view.

9. By section 31 of the Hindu Succession Act, 1956, the Hindu Womens' Right to Property Act, 1937, has been repealed. But questions affecting succession and titles to property governed by that enactment have arisen since the last edition, and there is considerable case-law on the subject. This has required a new arrangement and section 35 has been re-written in the light of the recent decisions.

10. An inevitable consequence has been that "Mulla on Hindu Law" has grown into a ponderous volume, more than one and a half times its former size. The book thus enlarged and brought up-to-date is bound to be of great help to the Bench and the Bar alike.

V. RAMASWAMI.*

The Legality of Nuclear Weapons: By Georg Schwarzenberger¹, The Library of the World Affairs. Stevens & Sons, Ltd., London, 1958. pp VII—61. 3s 6d. Cloth Edition, 10s net. In India: N.M. Tripathi Private Ltd., Princess Street, Bombay-2. Rs. 2.80 nP.

Dr. Georg Schwarzenberger is well-known as one of the keenest wits in the fields of international law and his new analysis of the question whether nuclear weapons are "legal" or "illegal" is an excellent example of his skill in analysis and his caution in judgment. Unfortunately, we do not possess the similar analysis which was doubtless made by a Chinese scholar when gunpowder was first invented; and this reviewer does not recollect an Athenian text as to the legality of Greek fire, the ancestor of napalm. Other comparisons, however, are available; and compared with much of what is appearing regarding the legality or illegality or extra and super legality of the invasions of outer space and the cis-lunar and trans-lunar areas, Dr. Schwarzenberger's essay is a model of clarity. Opening with a brief

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expose of the processes which "create" law, he reviews the relevant principles which are "behind" the laws of warfare; the chief one which emerges (and which is in these times being submerged again) is the idea that war is an affair of warriors and that at least some of the non-warrior population may not "legally" be decimated. Whether the first and second bombs dropped on two Japanese cities were legal is not here discussed; but the conclusion arrived at is that a ten-megaton weapon is quite certain to injure some of the "absolutely peaceful" population whose existence is not part of war effort; and to that extent would be illegal warfare and a technical war crime.

The major section is devoted to an orderly review of relevant individual rules of the international law of warfare as now understood, and the possible application of each one to nuclear weapons. The result, summarized at pages 47-49, is discouraging. Reprisal, at the least, justifies responding to a nuclear attack with a nuclear counter-attack. And in principle, the manufacture, possession, stock-piling and testing of nuclear weapons is not illegal. The suggested conclusion is that if several nations pollute the general atmosphere with unclean or other fall-out, there may be an accusation that they are joint tortfeasors under international law.

In ultimate conclusion legal restraints in the form of reprisals are such as may always be thrown to the winds—an apt metaphor—at the will or ill-will of any one of many present or future persons, who at some moment have access to and control of these weapons, that the rule that reprisal is legal "is hardly of a calibre commensurate to our problem." Dr. Schwarzenberger's final remark is weighty: "What is needed is a world public order which any of the parochial States can flout only at its own risk. Anything less may be all that is attainable, but falls sadly below the world safety minimum." (P. 61). This reviewer can add nothing to that very serious and despairing note. As long as one party has nuclear weapons, there must be at least one other capable of reprisal.

Delhi: February, 1959.

A.W.K.²

Books Also Received

1. *Prideaux's Forms and Precedents in Conveyancing*, Vol. I. Twenty Fifth Edition. Edited by T.K. Wigan, Barrister-at-law and I.M. Phillips, Barrister-at-law. Stevens & Sons Ltd., London. 1958. lxiv and 825 and (index) 114 pp. £ 6.6sh net. (Rs. 100.50).
2. Prof. Arnold W. Knauth, Adjunct Professor of International Law, New York University.



2. *Registered Conveyancing*, by Sir George Curtis, Chief Land Registrar of H.M. Land Registry, of Gray's Inn, Barrister-at-law, and Theodore Ruoff, Senior Registrar of H.M. Land Registry, a Solicitor of the Supreme Court of Judicature. Stevens. 1958. lxiii and 1107 and (index) 77 pp. £ 6 6s net.
3. *The Elements of Drafting*, Second Edition, by E.L. Piesse, a solicitor of the Supreme Court of Victoria and J. Gilchrist Smith, LL.D. a solicitor of the Supreme Court (Honours). Stevens. 1958. xvi and 115 and (index) 4 pp. 12s. 6d. net.
4. *A legal Bibliography of the British Commonwealth of Nations*, Vol. 6, Australia, New Zealand and their Dependencies. Second Edition. Sweet & Maxwell Ltd., 2 & 3 Chancery Lane, London. 1958.
5. *Potter's Historical Introduction to English Law*, Fourth Edition, by A.K.R. Kiralfy, Ph. D., LL. M., of Gray's Inn, Barrister-at-law, Reader in Law at King's College, London. Sweet & Maxwell. 1958. xxxii and 647 and (index) 26 pp. Rs. 36
6. *Democratic Institutions in the World To-day*, Edited by Werner Burmeister, Published under the auspices of the London Institute of World Affairs. Stevens. 1958. x and 150 and (index) 7 pp. 17s. 6d. net.
7. *The Advocate's Devil*, by C.P. Harvey, Q.C., sometime Vinerian scholar of Oxford. Stevens. 1958. vi and 166 pp. 12s 6d. net.
8. *The Complete Guide to the Rent Acts*, by Lionel A. Blundell, LL.M. of Gray's Inn, Barrister-at-Law, and V.G. Wellings, M.A. (Oxon) of Gray's Inn, Barrister-at-law. Sweet & Maxwell. 1958. li and 494 and (index) 20 pp. £2 2s net.
9. *Wurtzburg's Building Society Law*, Eleventh Edition, by John Mills, O.B.E. B.A., of the Middle Temple and Lincoln's Inn, Barrister-at-Law. Stevens. 1958. xxxvi and 444 and (index) 23 pp. £ 2 10 s net.
10. *A Treatise on the Law of Execution Proceedings*, by A.K. Soonavala, B.A. (Hons.) LL.B. Assistant Judge & Assistant Sessions Judge (Bombay Judicial Service). N.M. Tripathi & Co. Private Ltd, Law Publishers, Princess Street, Bombay-2. 1958. xlv and 1447 and (index) 3 pp. Rs. 45.00, Sh. 90.00 \$ 13.50.
11. *Principles of the Law of Transfer*, Second Edition, by Shantilal Mohanlal Shah, of Lincoln's Inn, Barrister-at-law. N.M. Tripathi & Co. 1957. xxviii and 366 and (index) 11 pp. Rs. 10.50.
12. *Company Law and Problems of Corporate Enterprise*, by F.R. Ginwalla,



- B.A. LL.B., Tripathi & Co. 1958. xxix and 200 and (index) 11 pp. Rs. 10 Sh. 20.00 \$ 3.00.
13. *Law Relating to Foreign Exchange*, Second Edition, by Shavax R. Vakil, B.A. LL.B., Attorney-at-law, High Court Bombay, Advocate, Supreme Court of India. Tripathi & Co. 1958. xvi and 505 and (index) 18 pp. Rs. 20.00. Sh. 40. \$ 6.00
 14. *Rustomji Law of Limitation and Adverse Possession*, Sixth Edition, edited by J.L. Joshi, B.A. LL.B., Advocate, High Court Bombay. Tripathi & Co., 1958. xxxii and 1132 and (appendix and index) 23 pp. Rs. 45.00. £ 4 10s. \$ 13.50.
 15. *Contract and the Freedom of the Debtor in Common Law*, by Pawate. Tripathi & Co. Rs. 7.50.
 16. *Vyavaharacintamani* edited by Rocher, Tripathi & Co. 1956 xiv and 367 and (appendices) 33 pp. Rs. 22.50
 17. *The Law of Insolvency in India*, by the Rt. Hon'ble Sir Dinshah Fardunji Mulla, K.T. Sometime member of the Judicial Committee of the Privy Council, Second Edition, edited by The Hon'ble Mr. Justice N.H. Bhagwati, Judge of the Supreme Court of India. Tripathi & Co. 1958. (vii and 1139 and index) 56 pp. Rs. 30.00.
 18. *The Guardianship Acts*, by M. W. Pradhan, B. Sc., LL.B. Tripathi & Co. 1958, xxiii and 247 and (index) 25 pp. Rs. 7.50, sh. 15.00, \$ 2.25.

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