



aspects of the Constitution of India. There are in this brief but wide survey many mature observations. Any one of these fully examined and documented would itself be a great and abiding contribution.

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INTERNATIONAL LEGAL CONTROLS ON PRODUCTION AND USE OF NUCLEAR ENERGY. By J. M. Sethna. Bombay: Kothari McDuneil and Company. 1966. Pp. xv + 125. Rs. 15/-.

HUMANITY IS FACED today with an unparalleled challenge. The fantastic scientific and the technological developments, the invention of thermo-nuclear weapons capable of shattering the globe, the continued bipolarization of the world, the precarious "balance of terror" between the two groups, and the resulting tension between states, have all brought the world on the verge of a possible nuclear holocaust which, if it ever comes, is bound to be catastrophic. Every man, woman or child today "lives under a nuclear sword of Damocles, hanging by the slenderest of threads, capable of being cut at any moment by accident or miscalculation or by madness."<sup>1</sup> There is little doubt that these "weapons of war must be abolished before they abolish us."<sup>2</sup> World peril today has become every man's responsibility.

It is in response to this call of duty and responsibility that the author addresses himself to the most difficult and baffling problems relating to disarmament and legal controls of nuclear energy in this small but interesting book. He discusses in different chapters the various proposals of the nuclear powers regarding disarmament,<sup>3</sup> establishment of the International Atomic Energy Agency,<sup>4</sup> international agreements for promoting and ensuring the peaceful use of atomic energy,<sup>5</sup> banning of nuclear tests and the effect of Nuclear Test Ban Treaty of August 5, 1963,<sup>6</sup> need of inspection for any meaningful disarmament,<sup>7</sup> international legal sanctions to ensure the use of atomic energy for peaceful purposes and prevent its diversion to military objectives<sup>8</sup> and socio-economic uses of atomic energy.<sup>9</sup>

But while the interest of the author in these difficult problems is laudable, his treatment of the subject is disappointing. Apart from

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1. President John F. Kennedy, "Address to the U. N. General Assembly on September 25, 1961," in *John F. Kennedy Speaks* 34 (U.S.I.S. New Delhi 1963).

2. *Ibid.*

3. Introduction, Chapter I.

4. Chapter II.

5. Chapter III.

6. Chapter IV.

7. Chapter V.

8. Chapter VI.

9. Chapter VII.



needless repetition of the same arguments in more than one chapters, and glaring editorial mistakes which could have been easily avoided, the author in fact never comes to grips with any problem. Instead of dealing analytically and critically with different proposals relating to disarmament, the author indulges in day-dreaming by suggesting the creation of a strong nuclear force under the control of the United Nations which, he believes, will act as a deterrent against all the future miscreant states.<sup>10</sup> Undaunted by the present crisis in the United Nations, and without taking note of it, he suggests the strengthening of the world body and advocates the transfer of all the existing nuclear stockpile by all the countries to the United Nations, since they will be safe in its custody. Destruction of these nuclear weapons will be an unnecessary wastage, according to him.<sup>11</sup> He seeks to change the law which permits the use of nuclear weapons even for the purpose of self-defence in case of an armed nuclear attack,<sup>12</sup> and would like to "prohibit the use of any such weapon by any state *under any circumstances whatsoever*."<sup>13</sup> The use of such weapons, he is convinced, should be the monopoly of the United Nations<sup>14</sup> in case of extreme necessity against a miscreant state which has used an atomic weapon.<sup>15</sup> He is confident that the recent "defensive installations" developed by the United States are enough to protect the states from any future nuclear attack<sup>16</sup> until the United Nations takes care of the aggressor. However, the crucial question as to how the United Nations should take a decision in this regard does not bother him. For the effective enforcement of these fine schemes the author suggests "adequate international inspection." Without spelling out what it involves, however, he throws discredit on his own suggestion by confessing that "inspection is not always a certain method of detection; but it is useful for whatever it may be worth."<sup>17</sup> In any case, he thinks that with a strong deterrent in the United Nations "no state would ever think of rushing into a nuclear war on the strength of some atomic weapons secretly manufactured by it." Thus, he believes,

even the *United Nations will never have to use*<sup>18</sup> any nuclear weapon, and the extreme necessity, otherwise contemplated, would never arise. Such a method alone would solve the dilemma of nuclear disarmament, and would remove room for doubts and fears. Such a method alone would save humanity.<sup>19</sup>

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10. At 16-17, 95, 96, 99, 107, 113 and 114.

11. At 21, 95, 97, 99, 113, 114 and 125.

12. *U. N. Charter* art. 51.

13. *Italics in original*. See at 17, 97-98, 104, 105, 113.

14. At 17, 97, 98, 104, 105.

15. At 17, 104, 124.

16. At 18-19.

17. At 86-87, 92, 122.

18. *Italics in original*.

19. At 125.



Whatever the function of utopias, there is little doubt that the present situation calls not for utopia, but for practical, political and legal solutions.

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