

PUBLIC INTERNATIONAL LAW (19th ed. 1983). By M.P. Tandon.
Allahabad Law Agency, 9 University Road, Allahabad-2. Pp. 740.
Price Rs. 60.

THE BOOK¹ under review is the nineteenth edition of the author's text book on public international law. The first edition had appeared in 1952 with a foreword by Justice P.L. Bhargava of the Allahabad High Court. The fact that in a span of twenty years, nineteen editions of the book have come out is, in itself, an evidence of its popularity among students of public international law.

The book has been divided into five parts and these parts have been sub-divided into 50 chapters. The author has attempted to deal with the whole range of subject. There are, at the end, comments on important cases and the Charter of the United Nations as appendices. There is, however, no list of member states at the end.

The first part of the book contains introductory material on public international law in the traditional manner. The second part deals with the law of peace, including treaties and international torts and damages. International institutions which deserve a separate part have also been discussed in this part. The third part explains the new international economic order. The fourth part deals exclusively with the laws of war. The fifth (the last part) contains material on the law of neutrality. Thus this book has special merit in that it uses comprehensively source materials including those which had not been brought to light in earlier editions.

There is no claim in the book to any original research, but it gives a brief, compact and clear enunciation of the principles and concepts of public international law. It appears that the book is meant primarily for law students of Indian universities. The author follows the pattern of the standard textbooks on the subject. Generally, the books that Indian students read are those written by L. Oppenheim, J.G. Starke, J.L. Brierly and C.G. Fenwick. But these books do not expose them to Indian concepts relating to the subject. The book under review also does not fill up this gap.

In chapter XIII, the author deals with the Third U.N. Conference on the Law of the Sea. It may be mentioned here that the Government of India issued a proclamation on 30 September 1967 (registration no. D-221) on national claims to marine areas. The author fails to incorporate this important information except the Indian Act of 1976 on the law of the sea. He has not dealt with the U.N. Convention on the Law of the Sea of 1982 in detail. This convention brings forth the first major codification in which almost the entire international community had

1. M.P. Tandon, *Public International Law* (19th ed. 1983).

participated, in contrast to the traditional rules of international law. Certainly, it deserves a more important place in the book. The author has said : "The Third United Nations Conference...met initially at Caracas from June 20 to August 29, 1974. Delegates from 183 nations took part in the session...".² But till 1974, the total membership of the United Nations was 138 and the Caracas conference was attended by the representatives of 138 states, specialised agencies and inter-governmental and non-governmental organisations. It is suggested that a little more care in printing would have enhanced the importance and reliability of the book. Similarly, greater caution in the correct citation of references would have imparted to it a more scholarly quality.

In chapter XXI, the author deals with the place of the individual in the realm of international law and human rights. He has mentioned two covenants on human rights³ but has failed to incorporate the Optional Protocol to the U.N. Covenant on Civil and Political Rights which exclusively deals with the individual's petition before the Human Rights Committee. It would have been more useful had the work contained an indepth study and a critical analysis of the main instruments, especially the two covenants, which have been drawn up as treaties binding on the member states in their implementation. Further, it would be desirable that a paragraph be added in the next edition to explain the position of human rights in ancient India by referring to available literature to provide a proper understanding of Indian heritage in this regard.

In chapter XXII, the author has discussed diplomatic agents and grant of asylum.⁴ But the reader has reasons to feel disappointed on not finding even a passing reference to Dalai Lama's asylum in India. Although the author has dealt with the role of the Government of India in allowing the Soviet defector Aziz Ouloug-Zade to go to the United Kingdom in 1967, yet he has not referred to a circular issued by the Government of India on 30 October 1967 to all the foreign diplomatic missions in India informing them that it did not recognize any general right of any embassy to give asylum to any person. It was said in this circular that if such missions received any request for asylum, temporary shelter or refuge, such request should not be granted and that the chief of protocol of the ministry of external affairs should be immediately informed.

It is suggested that even though an author has a right to present his views on various problems, he has at the same time a duty to present them with adequate reasoning, and more so, when he deals with controversial issues. But it seems that the author has waived his right as well as his duty in this regard. Perhaps, it could have been more enlightening had he given his views on future amplification of the problems of outer space,

2. *Id.* at 175.

3. *Id.* at 287.

4. See, for latter, *id.* at 319.

pollution, disarmament and nuclear weapons, and the new international economic order in the light of new dimensions of international law.

Despite all these limitations and inadequacies, the chief merit of the book is that the scope, functions and problems of the law of nations have been explained and illustrated skillfully in a simple language, with the principal emphasis on important international events and issues, thus showing what international law does and can do to help organise and extend order in the world.

The book is a compilation of scholarly contributions on various topics of contemporary interest. It is expected that this comprehensive and highly readable book will meet adequately the needs of the students of law in particular and of those concerned with the study of public international law in general.

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