

INTERNATIONAL LAW (1987). By H. O. Agarwal. Allahabad Law Agency, Allahabad. Pp. xx+622. Price Rs. 70.

THIS BOOK<sup>1</sup> has been written for students and persons appearing in competitive examinations.<sup>2</sup> It is divided into five parts. Part I deals with introductory, preliminary and historical matters, and part II with general principles of international law as applicable to peace. This covers, *inter alia*, states (recognition, succession, jurisdiction and responsibilities), individuals (place in international law, nationality, aliens, extradition and asylum), diplomatic personnel and treaties. Part III sets out international organisations, International Court of Justice, UN and specialised agencies. Part IV is concerned with war and neutrality as well as with settlement of disputes. Part V outlines certain recent trends (human rights, self determination, new international economic order, aggression, terrorism, aircraft hijacking, disarmament and star wars). An appendix reproduces the Charter of the United Nations.

Being a student's book, it has to be reviewed on that basis. The author has tried to deal with almost all the important matters of utility to students, so far as the topics are concerned. There is sufficient reference to the standard source materials. The style is not heavy and the book is likely to be popular among students.

However, in point of style, diction and grammar, the book is not up to the mark. At numerous places, grammar and diction stand in need of considerable improvement. Some examples of the defects are:

"International law.. confers rights and obligations *to* other entitles."<sup>3</sup>

"International law has been divided by some jurists into two *kinds*. General international law is that which is binding generally *to* most of the States."<sup>4</sup>

"From the above, two different views, it may be concluded that the answer of the above question...."<sup>5</sup>

"To compell the latter."<sup>6</sup>

"However, its decisions are binding not only *to* the parties to a case."<sup>7</sup>

"Manu said that the conqueror was bound to respect *for* local laws and customs.. ."<sup>8</sup>

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1. H.O. Agarwal, *International Law* (1987).

2. *Id.* preface.

3. *Id.* at 3.

4. *Id.* at 5.

5. *Id.* at 7.

6. *Id.* at 9.

7. *Id.* at 23.

8. *Id.* at 29.

“Weapons of mass destruction”.<sup>9</sup>

“At the age of twenty two, Grotius wrote a book.. in 1925 he wrote his famous book.”<sup>10</sup>

“The above has necessitated to ascertain the relationship”.<sup>11</sup>

“International law are obeyed.”<sup>12</sup>

“Self executive treaties”.<sup>13</sup>

“The object for the establishment of the International Law Commission”.<sup>14</sup>

“It is to be noted that at present, the meaning of the term sovereignty has undergone to a drastic change”.<sup>15</sup>

“Tibet was an independent State. In 1720, it was incorporated by China.”<sup>16</sup>

“Territorial waters has been discussed in Chapter ‘Law of the Sea’.”<sup>17</sup>

“The Portugal also adopted a law on October 15, 1974 ...”<sup>18</sup>

“Although such cases of cession resemble to annexation”.<sup>19</sup>

It is not necessary to multiply examples. Apart from these blemishes of style, a few inaccuracies of substance have also been noticed. *E.g.*, there is a brief discussion about the “most intimate contact” theory.<sup>20</sup> This is primarily a matter of private international law, rather than public international law. The discussion of extra-territorial jurisdiction<sup>21</sup> can be usefully enriched by a more detailed discussion of

- (a) Harvard researches on the subject;
- (b) Indian legislative precedents;<sup>22</sup>
- (c) more recent literature on the subject which is prolific, including certain articles in the Georgia Journal of International Law and International and Comparative Law Quarterly.

The discussion of extradition<sup>23</sup> is highly useful. It could be made still

9. *Id.* at 30.

10. Misprint for 1525; *ibid.*

11. *Id.* at 37.

12. *Id.* at 38.

13. *Id.* at 45.

14. *Id.* at 54.

15. *Id.* at 66.

16. *Id.* at 71.

17. *Id.* at 105.

18. *Id.* at 151.

19. *Ibid.*

20. *Id.* at 172.

21. *Id.* at 173-76.

22. See, Law Commission of India, *Forty-second Report on the Indian Penal Code* (1971).

23. *Supra* note 1 at 215-29.

more useful by giving Indian orientation to the treatment. In view of tensions and problems that exist (and are likely to exist) between India and her neighbouring countries as well as between India and some of the Commonwealth countries (such as UK and Canada), it is desirable that Indian literature, documentation (even newspaper reports), and conference discussions may be made full use of. Familiar doctrines like "double criminality", "political offence", impact of treaties, "prima facie case", etc., supply rich material. There may be some utility in citing recent English cases also, particularly on the issue of *prima facie* case. Procedural aspects of international law, such as issue of commissions by our courts to foreign courts, recording of evidence, etc., are also worth discussion.

One more suggestion, not by way of criticism as such, but as a device for improving the utility of the book. Text of some of the important Central Acts relevant to international law as administered in India (such as enactments relating to extradition, Geneva Convention on Prisoners of War, peace courts, maritime zones, aircraft offences) can be given in the book.

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