

**GUJARAT NATIONAL LAW UNIVERSITY
GANDHINAGAR**

Course: Investment Law
Semester-II (Batch: 2016-17)

LL.M. End Semester Examination: May-2017

Date: 5th May, 2017

Duration: 3 hours

Max. Marks: 70

Instructions:

- Read the questions properly and write the answers in the given answer book.
- The respective marks for each question are indicated in-line.
- Do not write any thing on the question paper.
- Indicate correct question numbers in front of the answers.
- No questions or clarifications can be sought during the exam period, answer as it is, giving reason, if any.

Part-A		Marks
Q.1	Write essay of any two of the following (750-1000 words): (a) "The end of colonial period paved the path for the growth of international investment law."-Explain. (b) Explain the role and functions of financial intermediaries in the financial system. (c) Explain the various special treatments which are given to the investors by a host country. Give reasons for the requirement of these special treatments.	(2x6= 12)
Q.2	Write short notes on any one of the following: (200-300 words) (a) Classical theory on foreign investment. (b) Hull doctrine	(1x3= 03)

Part-B

Q.3	Explain the standing of developed and developing nations on the issues of relevance of international law, non-interference in domestic affairs and permanent sovereignty in the light of UNCITC Draft Code of Conduct on Transnational Corporations, 1983 highlighting the concerns of host States.	(10)
Q.4	Explain the concept of nationalization and compensation under international investment law and mention how they have been addressed under Model Bilateral Investment Treaty of India, 2015.	(10)
Q.5	Explain briefly the salient features of FDI Policy of 2016 of India and give an overview on the taxation aspects with decided case laws.	(10)

Part-C

Q.6	In the award of Maritime International Nominees Establishment (MINE) vs Republic of Guinea, the Ad Hoc Committee Decision of December 22, 1989, the tribunal has commented that the ICSID convention "exclude any attack on the award in the national courts". Discuss the enforcement and limits of ICSID awards.	(10)
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- Q.7 *Thomas E. Carbonneau*, an author written in the article that, *Trans-border adjudication is a necessity for globalization because national courts are not ideal places for litigation on transnational concerns; the character of international arbitration is a response to this failure of litigation*". The many reasons for preferring arbitration include the ability to choose the dispute settlement forum, the procedural strictures of judicial settlement, and the perceived tendency of national courts to favor their own investors. Discuss the law governing enforcement and domestic law of sovereign immunity as a bar to execution. (10)
- Q.8 Write note on **any one** of the following: (1x5=05)
- (a) Most Favored Nations Clause (MFN) and new model Indian BIT
 - (b) Investment Arbitration and Jurisdiction of the Centre under article 25 of the ICSID Convention
