



King's Student Law Review



Volume XIV Issue I

Table of Contents

Monalisa Choudhury & Ankur Madhia (2024) *The Future of Competition Law and the Need for Technological Advancement for Digital Markets: A Comparative Study of UK and Indian Competition Law* The King's Student Law Review, Vol XIV, Issue I, pp 1-11

Protecting “underdog” business or customers against autocratic contracts and the misuse of dominating trade structures is the objective of UK competition law. The UK government released the Digital Markets, Competition and Consumers Bill, commonly referred to as the UK Bill. The Bill seeks to amend the UK's consumer and competition laws, including what is required of online portals which have been given the title of “strategic market status” (SMS).

Whereas the Competition Law in India has faced rapid development like other laws in the world. The Competition (Amendment) Act, 2023 brought in recent trends of competition law such as de minimis exception, evidence to establish bid-rigging, cartels, delineation of the digital market, digitalization, procedural and jurisdictional issues in India. A comparison of Indian and UK competition laws shall highlight the necessity for technical innovation in digital markets and the future of competition law in both the countries.

My An Dang (2024) *ISDS Legitimacy Crisis: Is a Procedural Reform Enough?* The King's Student Law Review, Vol XIV, Issue II, pp 12-23

In light of the legitimacy crisis of the Investor-State Dispute Settlement (ISDS) mechanism, the Third Working Group (WGIII) of the United Nations Commission on International Trade Law (UNCITRAL) initiated its most ambitious project on the reform of the mechanism. Although the WGIII is expected to take ten years to finish the project, there is consensus that the procedural reform should not conclude the ISDS reform project. This article offers reasons for why procedural reform is not enough for the success of ISDS and provides several considerations for substantive reforms towards a sustainable ISDS. An overview of the ISDS history would explain that the legitimacy crisis of ISDS is not only procedural, but also substantive. The idea of substantive reforms toward a sustainable ISDS is not new, but the attempts are fragmented. A study of existing solutions, not only in the field of international investment law, but also in other fields of international law, will contribute to the discussion on how to reform ISDS substantively.

Harry Stewart Dilley (2024) *What matters about “The King’s Great Matter”: a reassessment of Henry VIII’s Reformation* The King’s Student Law Review, Vol XIV, Issue I, pp 24-38

Henry VIII’s Reformation has certainly received its due attention from historians. However, with the growth of “history from below” and the end of G.R. Elton’s supremacy in Tudor historiography, legal developments in this foundational epoch have been much neglected. Such is the obsession with the political, religious and psychological elements of Henry VIII’s reign, a vital question has been left unanswered: that of the law. Since the early twentieth century, it has been argued that between 1450 and 1530 the English common law was in a period of decline. Yet, by the 1530s, it saw a remarkable resurgence. I submit that the reason for this change was the crisis over Henry VIII’s marriage to Katherine of Aragon, during which a greater reliance on precedent and legitimacy prevailed than has been formerly recognised. The resultant shift in emphasis arrested the decline of the common law and brought about a period of foundational modernisation. I shall therefore challenge the consensus regarding the Break with Rome to illustrate that it was legal in both civil and canon jurisdictions. It was in the process of building Henry VIII’s legal argument, I shall argue, that English common law was saved from possible usurpation by a “Reception” of Roman-style civil law.

Ananyaa Murthy (2024) *The Origins and Application of GAAR in India and the UK* The King’s Student Law Review, Vol XIV, Issue I, pp 39-49

This paper explores the origins and application of General Anti Avoidance Rules in India and the UK, examining their motivations, scope, and its adherence to the rule of law. The UK GAAR (distinct from the Welsh and Scottish GAARs) targets abusive arrangements, applying broadly to various taxes, and curbing overreliance on the judiciary. In India, GAAR emerged in response to challenges posed by evolving economic structures and conflicting opinions between the government and courts. The Indian GAAR applies only to income tax but offers a broad scope to address impermissible avoidance arrangements. The paper also contends that the broad and generic nature of GAARs could potentially violate the rule of law. However, the UK provides guidelines regarding applicability, while India relies on quasi-judicial/judicial processes for redressal. Both GAARs serve their intended purpose. The effectiveness of these GAARs will likely become clearer as they undergo further scrutiny in court decisions and continue to adapt to evolving tax landscapes.