

**ABSTRACT**

**GLOBAL PERCEPTION ON EXCLUSION OF MFN CLAUSE FROM  
INDIA'S NEW MODEL BIT, 2015**

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Bilateral investment treaty [hereinafter referred as 'BIT'] is a tool for attracting foreign investors and to invite their investments to the domestic economy. First BIT of India was signed in 1994 but soon after there was a need for new model of BIT due to the foreign investment disputes raised by the foreign nations against India. India has a plethora of international investment arbitration pending against it as it had defaulted in providing the protection as agreed upon in the BIT. Although the new model was thought to make the foreign investment regime in India stronger, it has opened a Pandora's box in the academic realm by projecting an authoritarian approach of the Indian government.

Through this research, the author will critically analyze the exclusion of most favoured nation provision from the new model BIT and if this provision violate the accepted principles of international economic law. Also looking into the different model BIT's of developed and developing countries specifically the most favored nation clause of every model to get a clear view of implication of the inclusion of the clause in any BIT model and further its exclusion from the new model of 2015. It becomes important to do so because it will serve as the basis for re-negotiating the existing BITs and also for future BITs.

Keywords: BIT, MFN, Trade, Investment, Treatment, Law