

About the book

Judicial Role in Globalised Economy

It is a broad-spectrum book that focuses on the raw realities of our times. It examines the impact of the Market forces unleashed by the economic globalization. It is evident that Market is now kissing all our institutions, including superior judiciary. The book invites the readers to examine for themselves whether the kiss is health giving, or injurious. As the exposition is from the observation post of a lawyer, the book examines certain key legal problems of the day.

The book examines, in the context of the realities of a globalized world with Market supremacy, the role of the superior courts and the reach and ambit of Art 32 of the Constitution of India. It examines the Treaty Making power of the Central Government and makes certain valuable suggestions for bringing about changes in the procedure. It examines various aspects of the law of treaties with special reference to the Uruguay Round Final Act, and the Indo-Mauritius Double Taxation Avoidance Convention. It examines the problems of the abuse of tax treaties, which the Common Minimum Programme of the UPA Government wants to stop. It examines the paradigm shift in tax jurisprudence, and explores the possibilities of PIL in revenue matters. Its Conclusion sets forth a set of suggestions for the consideration by all, and recommends several procedural and substantive changes.

The book would be of interest to those who want to measure the nature of judicial response to many vital issues of great contemporary relevance. The book would assist the judges and the lawyers in comprehending the trends of the time. The book would also be of interest to the economists, political scientists, sociologists and the social thinkers across the world in evolving their response to the problems they deal with in this shrinking world of increasing interdependence.

About the author:

Shri Shiva Kant Jha was born in a family of distinguished freedom fighters. He too had contributed to our country's Struggle for Freedom. He earned his B.A.(Hons.), and obtained distinction in History and Political Science in 1958.. He did his M.A. from Bihar University, and LL.M from Patna University standing first at both the examinations. For 4 years he was a lecturer in Muzaffarpur and Bodh Gaya Universities till 1964 when he joined the Indian Revenue Service from which he retired in 1998. Immediately thereafter he joined the Supreme Court Bar as an Advocate.

Shri Jha has delivered a number of lectures on the different aspects of law. He was for about 15 years a paper-setter and examiner for the LL. M. Exam of Calcutta, Patna and Nagpur. He was a member of the Council for Higher Legal Studies of Nagpur. He conducted and participated in several seminars; wrote several articles, and had the good luck of getting a reference in *Property Problems in the Law of Sales* written by Dr T.B. Smith, a jurist of international eminence who had been the Chairman of the Scottish Law Commission.

As a lawyer he has conducted many important cases including the celebrated PIL challenging the misuse of the Indo-Mauritius Double Taxation Avoidance Convention. He received high appreciation from the Delhi High Court in its Judgment itself..

He is the founder-director of the Bhagavadgeeta Swadhyaya Kendra at Laheriasarai, and is the founder-secretary of the Draupadi Devi Charitable Trust.