

**GUJARAT TECHNOLOGICAL UNIVERSITY****MBA SEMESTER-4- EXAMINATION – SUMMER 2020****Subject Code: 4549242****Date:05/11/2020****Subject Name: IBM\_International Commercial Laws (ICL)****Time: 10:30 AM TO 1.30 PM****Total Marks: 70****Instructions:**

1. Attempt all questions.
2. Make suitable assumptions wherever necessary.
3. Figures to the right indicate full marks.

<b>Q. No.</b>	<b>Define the terms.</b>	<b>Marks</b>
<b>Q.1</b>	(a) Contract (b) International Business (c) URDG (d) Free On Board (e) International Commercial Arbitration (f) Aviation Insurance (g) E-commerce	<b>14</b>
<b>Q.2</b>	(a) Explain meaning and nature of commercial law.	<b>07</b>
	(b) Give the meaning of transnational commercial law with example. Also define source of transnational commercial law.	<b>07</b>
<b>OR</b>		
	(b) Discuss in detail Lex Mercatoria	<b>07</b>
<b>Q.3</b>	(a) What is Harmonization? Define Instruments of Harmonization.	<b>07</b>
	(b) Define the meaning and role of carriage in international trade.	<b>07</b>
<b>OR</b>		
<b>Q.3</b>	(a) Give the meaning of UNIDROIT. And also describe its principles.	<b>07</b>
	(b) Give brief idea about on International Chamber of Commerce.	<b>07</b>
<b>Q.4</b>	(a) Explain in brief the Hague Rules, 1924.	<b>07</b>
	(b) Define the Rotterdam Rules, 2008	<b>07</b>
<b>OR</b>		
<b>Q.4</b>	(a) Discuss forms and purpose of Air-Way bill.	<b>07</b>
	(b) Define purpose and nature of URDG.	<b>07</b>

**Q.5**

**CASE STUDY:**

Unlike Singapore, China, Australia and several other countries, India has not ratified the United Nations Convention on CISG. Although, diverse countries have ratified it, quite a few, such as the United Kingdom, have not. Numerous commentators have appraised it; some expressing admiration and some reservations.

On the contrary, there are a few countries which are into fierce commercial competition with India, like China who also have not ratified their local sales of goods act but have their own sales of goods act which is quite modern.

For example, the Law that governs Sales of Goods in China is formed in 1985 which being a modern act has quite a few similarities with the CISG. In India, the issue is the current sales of goods law is an adaption of the UK based Sales of Goods Act of 1930 which leads to quite a few ambiguity and issues for Indian traders dealing in International trade.

This leaves India with a choice between whether to ratify or not the current Sales of goods act of 1930 with CISG...

**Advantages of ratification**

1. The convention takes into account modern trade practices and realities. It contains provisions on the interpretation of contracts which are wider than the common law rules.
2. The convention is drafted in simple and plain language for businessmen to understand.

**Disadvantages of ratification.**

1. The legal uncertainty caused by introducing a new wet of rules of sale
2. The general irrelevance of the convention due to the fact that in most instances it is excluded by the parties in practice.

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|-----|--|-----------|
| (a) | Explain the meaning of CISG and when was it formed.  | <b>07</b> |
| (b) | In the lights of the above case, express your opinion regarding whether India should ratify the convention or not. | <b>07</b> |

**OR**

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| <b>Q.5</b> | (a) As per your opinion, will the ratification help India to fight global trade competition from giants like China and Brazil? | <b>07</b> |
|            | (b) What could be the immediate effect of ratification by India to the convention, on the local small international traders?   | <b>07</b> |

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