

Seat No.: _____

Enrolment No. _____

GUJARAT TECHNOLOGICAL UNIVERSITY
MBA – SEMESTER –IV-EXAMINATION – SUMMER-2022

Subject Code: 4549242

Date: 14-07-2022

Subject Name: International Commercial Laws

Time: 10:30 AM TO 01:30 PM

Total Marks: 70

Instructions:

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

Q.1 Short Questions

(14)

- (a) International Chamber of Commerce
- (b) UCP and e-UCPs
- (c) Bill of Lading
- (d) Force Majeure
- (e) Commercial laws
- (f) CISG
- (g) Characterization

Q.2(a) Discuss in detail *Lex Mercatoria*.

(7)

Q.2(b) Discuss the various matters and legal clauses to be considered while entering into international contract.
(7)

OR

Q.2(b) What do you mean by Transnational Commercial Laws? Write in detail about its nature and sources. **(7)**

Q.3(a) Discuss the general provisions of UNIDROIT Principles on international Commercial Contracts with reference to

1. Freedom of Contract
2. Binding Character of Contract
3. Good Faith and Fair Dealing

(7)

Q.3(b) What is Harmonization? Define Instruments of Harmonization.

(7)

OR

Q.3(a) Explain the following INCOTERMS

1. CFR – COST & FREIGHT
2. CIF – COST, INSURANCE & FREIGHT
3. DAT – DELIVERED AT TERMINAL

(7)

Q.3(b) Explain the Hague Rules, 1924.

(7)

Q.4(a) Discuss the general provision of Rotterdam Rules for the International Carriage of Goods. (7)

Q.4(b) Explain in detail Air way Bill. Discuss forms and purpose of Air-Way bill. (7)

OR

Q.4(a) Write a note on UNCITRAL Model Law on E-Commerce. (7)

Q.4(b) What do you mean by Arbitration and Litigation under International Commercial Arbitration? (7)

Q.5 Case Study

An African sailor employed on an American ship is injured in the course of work by allegedly faulty equipment while the ship is at anchor in a Canadian port. He sues for recovery in an African court and seeks application of the American law on the subject because it leads to the largest recovery with the smallest burden of proof. The American shipowner, as defendant, contends that the negligence of the seaman was the cause of the accident and argues for the application of Canadian law, which, we shall assume, is least favourable to any recovery in these circumstances and least generous in its award of damages if some recovery is allowed.

Q.5 (a) Which legal system and what legal rules would be chosen by an African court as providing the governing law? (7)

(b) Would the same governing law be chosen for this kind of case by a court in the US, the Netherlands, and Canada? (7)

OR

Q.5 (a) Why is it so difficult to obtain uniform treatment of choice-of-law questions? (7)

(b) Is uniform treatment necessarily desirable? (7)
