

UNCITRAL - NLU Delhi

Asia Pacific Day 2016

Essay Competition

***“CONTEMPORARY ISSUES UNDER THE CISG
VIS-A-VIS
THE SALE OF GOODS ACT, 1930 (INDIA)”***

Organised by:

CENTRE FOR TRANSNATIONAL COMMERCIAL LAW (CTCL)

NATIONAL LAW UNIVERSITY, DELHI

IN ASSOCIATION WITH

UNCITRAL REGIONAL CENTRE FOR ASIA AND THE PACIFIC (RCAP)

ABOUT UNCITRAL RCAP

The United Nations Commission on International Trade Law (UNCITRAL) was established by the United Nations General Assembly Resolution 2205 (XXI) of 17 December 1966, recognizing that disparities in national laws governing international trade created obstacles to the flow of trade, and it regarded the Commission as the vehicle by which the United Nations could play a more active role in reducing or removing these obstacles. In 2014, the first regional centre of UNCITRAL, UNCITRAL-RCAP, established the UNCITRAL Asia Pacific Day to celebrate this historical resolution annually. Each year, reputable universities across the region join the celebration and it continues to evolve in the years ahead.

ABOUT NATIONAL LAW UNIVERSITY, DELHI

The primary objective of the University is to evolve and impart comprehensive and interdisciplinary legal education that is socially relevant. Through this education, we aim to promote legal and ethical values and foster the rule of law and the objectives enshrined in the Constitution of India. Our sincere endeavor is to make legal education justice education, as an instrument of social, political and economic change. Each individual who is part of this institution must be remembered for the promotion of social justice. Our students will not only be shaped as change agents as the country achieves its social and developmental goals, but will also be equipped to address the imperatives of the new millennium and uphold the Constitution of India.

ABOUT THE THEME

There is a growing recognition across the world that standardisation of trade law would be beneficial, and as a result, there have been attempts to harmonise commercial laws at the instance of international and supranational organisations. The Convention on International Sale of Goods (CISG) is the most successful international instrument that seeks to achieve this purpose. India, like the United Kingdom, is not a signatory to the CISG. Sale of Goods in India continues to be governed by Sale of Goods Act, 1930, which is more than 80 years old.

ABOUT THE COMPETITION

The Centre for Transnational Commercial Law (CTCL), National Law University, Delhi is pleased to announce the “**UNCITRAL - NLU Delhi 2016 Asia Pacific Day Essay Competition**”. The Competition seeks submission of academic essays on topics relating to **transnational business law** from students currently pursuing **law or business management** courses in India. The purpose is to encourage scholarship and deepen understanding of international commercial law among students and young professionals. On 17 October 2016, NLU Delhi shall be hosting the 2016 UNCITRAL Asia Pacific Day, with a special focus on the United Nations Convention on Contracts for the International Sale of Goods, (Vienna, 1980) (CISG).

Theme of 2016 UNCITRAL Asia-Pacific Day reflects in the broad theme of the Competition - “**Contemporary issues under the CISG vis-à-vis the Sale of Goods Act, 1930 (India)**”. Essays should focus on the legal and practical aspects of the United Nations Convention on Contracts for the International Sale of Goods (CISG) with regard to the Indian Sale of Goods Act, 1930. Papers without a direct focus on this theme will not be eligible for the Competition. The theme is inclusive, but not limited to the following topics:

- Specific issues under the CISG: Interpretation, contract formation, conformity of goods anticipatory breach, fundamental breach
- Special Issues in CISG: Remedies, damages, avoidance
- Transfer of risk in contracts of international sale of goods
- The role of commercial custom and usage
- International sale of goods transactions through E-contracts
- Commercial courts and dispute resolution of international sales contracts
- Advantages of adopting CISG in India: Small & medium enterprises v/s Large enterprises
- Reforming India’s domestic law in light of global CISG jurisprudence
- Harmonisation in CISG through regional developments
- Commercial morality and good faith in Sales legislations and conventions
- The importance of commercial certainty
- Role of Law in Business Contracts

FINAL REVIEW PANEL

The **Final Review** to select the best entries shall be by an esteemed panel comprising of:

Professor Michael G. Bridge, Fellow of the British Academy, is the Cassel Professor of Commercial Law at the London School of Economics and Professor of Law at the National University of Singapore. He is also a barrister of the Middle Temple and is an acclaimed authority on the Law of Sale of Goods. Notable publications include *The Sale of Goods* (Oxford University Press), *The International Sale of Goods* (Oxford University Press). He is also Editor of *Benjamin's Sale of Goods*, 9th edition (Sweet & Maxwell: 2014),

Professor Ingeborg Schwenzer, Chair Professor of Private Laws, University of Basel, Switzerland, is a renowned authority on CISG. She is the Editor of the foremost commentary on the CISG- '*Schlechtriem & Schwenzer Commentary on the UNCISG*', the '*Global Contract Law & Practice*', both published by Oxford University Press. She is also currently Chair of the CISG-Advisory Council.

Professor Bruno Zeller, Professor of Transnational Commercial Law at the University of Western Australia, is a renowned authority in International Contract Law, Trade Law, Dispute Resolution and Conflict of Laws. He is extensively published on the CISG and harmonisation of Contract Laws.

Professor A. Jaygovind, Visiting Professor at National Law University, Delhi, is an expert in International Trade Law, Commercial Transactions and Private International Law with decades of experience. He has chaired various studies in the field and has served as the Vice-Chancellor of NLSIU, Bangalore.

Dr. Luca Castellani, Secretary of UNCITRAL Working Group IV (Electronic Commerce), former Head of UNCITRAL's Regional Centre for Asia and the Pacific. He is a Legal Officer of the International Trade Law Division (ITLD) of the United Nations Office of Legal Affairs, which functions as the substantive secretariat for the United Nations Commission on International Trade Law (UNCITRAL). He has published in the fields of international trade law and comparative law, dealing, in particular, with sale of goods, electronic commerce and trade law reform.

RULES FOR THE COMPETITION

- ❖ There is no registration fee for the Competition. Participation in the Competition is through due submission of entries, as laid down in the **Submission Guidelines**.
- ❖ **Eligible** participants for the Competition are:
 - Students currently enrolled in an undergraduate/postgraduate/doctoral law programme, recognized by the Bar Council of India;
 - Professionals/researchers having graduated after 2013 (including 2013) from an undergraduate law degree programme, recognized by the Bar Council of India;
 - Students currently enrolled in a postgraduate business management/foreign trade programme, recognized by All India Council for Technical Education (AICTE);
- ❖ Co-authorship of up to two authors is permitted.
- ❖ Participants must submit an original and unpublished paper written in English.
- ❖ All submissions must be original and bona fide work of the participants. The Organisers reserve the right to disqualify submissions plagiarised in whole or in part. **Plagiarism** is defined as “the act or an instance of copying or stealing another’s words or ideas and attributing them as one’s own.”
- ❖ No hard copy submissions are required.
- ❖ Authors must keep copies of all source materials – including photocopies of all pages used from any source used – and must provide them to the Organisers upon request.
- ❖ No part of the essay should contain any form of identification of the participant, and any such information if found, would lead to disqualification.
- ❖ Only one submission will be accepted per participant. If the Organisers receive more than one submission from the same participant, none of the submissions will be considered.
- ❖ All entries shall be considered to be the property of National Law University, Delhi for, which the University reserves the right of publication of the same in any book, journal, or in any other manner as it may deem appropriate, without providing any royalty or compensation.

- ❖ The essay should not be submitted for any other competition and/or for any other purposes. Any further publication after declaration of results may only be pursued after express permission has been sought from the Organisers.
- ❖ The contestants by entering in the competition agree to indemnify the organisers from and against all claims, suits and damages based on any claim of copyright infringement or plagiarism or unauthorised use.
- ❖ By submitting papers, candidates represent that they fulfil the eligibility requirements of the competition. The Organisers may request formal proof of eligibility.
- ❖ In the event a situation arises that is not included herein, the Organisers will resolve it at their own discretion and will inform the participants thereof.
- ❖ Top entries will be selected to receive Awards, only as per the **Evaluation Criteria** laid out below.
- ❖ The winners will be announced as soon as determined, but no later than **November 2016**. However, under exigent circumstances, the Organisers reserve the right to delay the publication of the results.

GUIDELINES FOR SUBMISSION

“Contemporary issues under the CISG vis-à-vis the Sale of Goods Act, 1930 (India)”

- ❖ The completed essay shall be submitted on or before **23rd October 2016, 23:59 hrs**, via **email** to ctcl@nludelhi.ac.in. Late submissions shall not be accepted under any circumstances. The participants will receive a confirmation email within 72 hours after the submission deadline, and should contact the Organisers in the event they do not receive a confirmation email.
- ❖ The essay must be submitted in ‘Word Document’ format only (.docx, .doc).
- ❖ The essay must contain an abstract, not exceeding 250 words, laying down clearly the topic covered and tentative conclusions.
- ❖ The word limit of the submission should be **2500-4000 words**, inclusive of abstract and footnotes. Non-conformity with this provision will attract penalties as set out in Evaluation Criteria.
- ❖ The essay must be sent along with a separate Word Document containing the following information of the author:
 - Full Name
 - Type of degree programme along with current year of study/year of graduation
 - Name and Full Address of Law/Business Management University
 - Name and Full Postal Address
 - Phone Number
 - E-mail id

In case of co-authorship, the aforementioned document should contain information about both the authors (not more than two co-authors may be permitted).

- ❖ Font type of such essay must be Times New Roman and Font Size must be 12 pt. for the main text and 10pt. for the footnotes. Additional **formatting guidelines** are as follows:
 - Line spacing should be 1.5 for the main text and 1.0 for the footnotes.
 - Reference styling/Footnotes must follow a uniform citation format
 - A margin of 1 inch must be provided.

EVALUATION CRITERIA

- ❖ All submissions shall go through a two-stage evaluation process:
 - **Preliminary Review:** All essays would first go through preliminary evaluation by a panel of anonymous experts.
 - **Final Review:** The top essays that qualify through the Preliminary Review stage (with the number depending on the total number of entries), will be submitted for Review to a panel comprising of **Prof. Michael G. Bridge, Prof. Ingeborg Schwenzer, Prof. A. Jayagovind, Prof. Bruno Zeller and Dr. Luca Castellani.**
- ❖ Evaluation from the Final Review will be determinant of the winners of the Competition.
- ❖ All evaluations will be conducted via a blind review mechanism.
- ❖ The decision of the panels with regards to evaluation of the essay shall be final and not subject to any kind of review/appeal.
- ❖ The essay shall be marked on the following criteria (for both stages):

Criterion	Marks
Originality of idea	10
Quality of research	35
Argumentation	30
Structure and Overall Presentation	15
Conformity with formatting/footnoting guidelines	10
Total	100

- ❖ Any essay not adhering with the **word limit** shall be eligible for a deduction of 2 marks, for every 50 words, in excess or deficit of the mandatory word limit. The scheme that shall be followed will be as follows:
 - For the first 50 words : -2
 - For the next 50 words: - 4
 - For the following 50 words: - 6 [and so on...]

AWARDS

The best submissions will be awarded for their performance, based on the Evaluation Criteria laid down above. The following awards shall be given out:

- ❖ The Top Three Essays will receive a Certificate of Award from UNCITRAL-RCAP and NLUD jointly.
- ❖ The top 10 essays (including the top 3 essays) will receive a Certificate of Appreciation from Professor Bruno Zeller.

The Organisers reserve the right to grant no award(s) if the entries fail to meet the minimum standards as determined by the Organizers.

For any clarifications or queries, contact us at:

Centre for Transnational Commercial Law
National Law University, Delhi
Sector 14 Dwarka, New Delhi-110078. INDIA.
E-mail id: ctcl@nludelhi.ac.in

<http://nludelhi.ac.in/up-event1.aspx?id=139> ; <http://nludelhi.ac.in/>
<http://uncitralrcap.org/en/>

Professor Dr. Ranbir Singh, Vice-Chancellor, National Law University, Delhi

Chairman & Chief Patron, Centre for Transnational Commercial Law

Professor Dr. G. S. Bajpai, Registrar, National Law University Delhi

Mentor & Patron, Centre for Transnational Commercial Law

Organising Committee:

CTCL Student Coordinators:

Rohan Dhariwal
Shubham Gupta
Tarun Agarwal
ctcl@nludelhi.ac.in



CENTRE FOR TRANSNATIONAL COMMERCIAL LAW

Dr. Risham Garg
Assistant Professor of Law & Program Coordinator
Research Director
Centre for Transnational Commercial Law (CTCL)
National Law University, Delhi,
Sector 14 Dwarka, New Delhi – 110078. INDIA
Email: Risham.Garg@nludelhi.ac.in