

Callidus News

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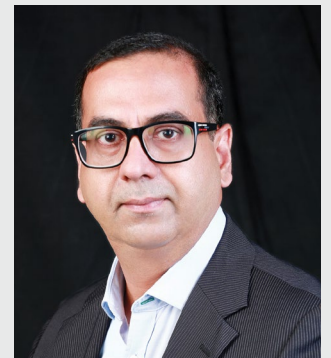
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Partner's Message

As we approach the end of this year, it's good to look ahead and think what the New Year may unveil for each one of us. Looking back, 2019 was quite a year for all of us at Callidus. We have strived towards excellence and worked with complete sincerity to deliver our best services to all our clients. I am extremely pleased to have had a great and satisfying run this year as well. I completely owe and attribute this success to all of you out there as without your continuous support and confidence upon us, this journey would have been impossible !

Since this would be last edition of Callidus Newsletter for 2019, I extend my gratitude to each and every person who has been a part of our Callidus Newsletters. I appreciate the time you have taken to give us your valuable comments and acclaim our work. In this holiday season, I wish you and your families' joy, warm memories and peace and I take this opportunity to wish you all a Merry Christmas and a very Happy New Year filled with success, happiness and good health. All the very best for the New Year and See you again next year!!!



Adv. Joy Thattil Ittoop



In three words
I can sum up
everything I've
learned about life:
it goes on
- Robert Frost

EVOLUTION OF THE DOCTRINE OF PROXIMATE CAUSE IN MARINE INSURANCE

Marine Insurance is a very important aspect of the International Trade as it helps to safeguard the transportation risks between

the parties engaged in an international trade through sea. Causation is a very important part in the Marine Insurance Law. Initially the

determination of proximate cause in common law was considered to be the nearest in time but this approach was changed with the



decision in *Leyland Shipping Co. Vs. Norwich Union Insurance Co.* [1918] AC 355 which clarified the meaning and explained that the proximate cause is that which is proximate in efficiency. Causation is concerned with how the loss or damage actually occurred and whether it is indeed a result of an insured peril. The confusion arises when a series of perils occurs and it is not easy to always say that a loss would be caused by a single insured or uninsured or excepted peril so that the claim would either be payable or not. Mr John Lowry and Mr Philip Rawling in their Article, *Proximate Causation in Insurance Law*, has opined that “*Causation in Insurance Law is simple enough to describe and to justify, but sometimes rather difficult to apply. Clearly, the Insured should only be able to claim for those losses that fall within the terms of the policy, or, in other words, the loss must have been caused by a peril which the insurers had agreed to cover.*”

In the above mentioned case, *Leyland Shipping Co. Vs. Norwich Union Insurance Co.* [1918] AC 355, a ship was torpedoed by a German submarine and was subsequently taken to Le Havre in France for repair. The ship was badly damaged and was taking in a lot of water. While she was in the deep-water harbour, the ship was moved from one quay to another, for fear that the ship might sink and disrupt the activities of the Red Cross at that quay. The sea conditions were rough, though not



was what caused the losses arising from the ship sinking. Was it the war action for which the owners were not insured, or the perils of the sea, for which the owners were insured? It was held that the ship sank because it was torpedoed, and that the losses were not recoverable from the insurers. Lord Shaw stated, “*Where various factors or causes are concurrent and one has to be selected, the matter is determined as one of fact, and the choice falls upon the one to which may variously be ascribed the qualities of reality, predominance, efficiency.*”

In a 2011 case, *Global Process Systems Inc & another Vs. Syarikat Takaful Malaysia Berhad*, [2011] UKSC 5, the Supreme Court was asked to consider whether the proximate cause of a loss was the perils of the sea or the inherent vice. Global Process Systems (“GPS”) purchased an oil rig which they required to be towed from Texas to Malaysia. During the course of the voyage, three of the rig’s legs broke. The experts agreed that the loss occurred as a result of fatigue cracking which had developed as a result of the motion of the sea in addition to a final “leg-breaking” wave. However, it was common ground that there had been nothing unusual about the weather conditions during the voyage. The marine cargo policy in question covered “*all risks of loss and damage to the subject matter insured*” but excluded “*loss, damage or expense caused by inherent vice or nature of the subject matter insured*”. At first instance it was held that there was an inherent inability of the legs to withstand the

normal incidents of the voyage and so the proximate cause of the loss was inherent vice. This decision was overturned by the Court of Appeal. The Supreme Court dismissed the insurers’ appeal from the Court of Appeal’s decision and held that the loss was not “*Inherent Vice*” but that the true proximate cause was “*peril of the sea*” and accordingly the Insurers were liable to indemnify the assured for their loss.

As to the question of burden for proving that the loss has been proximately caused by a peril insured against, in any legal system, it lies always on the party making a claim. Once the Insured has made out a prima facie case that the loss or damage has occurred as a result of a peril insured against, then the burden of proof shifts to the Underwriters, to set up a counter argument that the loss or damage resulted from a peril not insured against. Alternatively, the underwriters have to prove the wilful misconduct of the Assured or his privity to wilful misconduct, a breach of warranty or that the loss or damage comes within the terms of an exception clause.

Application of the proximate cause, doctrine is not difficult when there is only one proximate cause. The Court must simply determine whether that particular cause of loss is, or is not, an insured risk under the policy. But the application of the proximate cause rule is not easy when a court must pick the proximate cause from more than one cause contributing to the loss. The situation even worsens when those causes appear to be equally influential.



exceptionally so. While being moved, the ship broke up and was lost.

The question for the House of Lords

DUBAI EXPO 2020: “CONNECTING MINDS, CREATING THE FUTURE”

An Expo is a world fair or an extravagant international exhibition designed to showcase achievements of nations.

The word Expo was derived from the French word “*Exposition Universelle*” which means Universal Exposition. There are two types of Expos that are conducted in different parts of the world; one being **World Expo** (formally known as International Registered Exhibitions) and other being **Specialized Expo** (formally known as International Recognised Exhibitions).

Since the 1928 Convention Relating to International Exhibitions came into force, the Bureau International des Expositions (BIE) has served as an international sanctioning body for international exhibitions. As per the norms, a bidding process began in 2011 between four different Countries and Dubai was declared the winner. This triumph and jubilation led to the massive event called Dubai Expo 2020.

Theme of Expo 2020:

Expo 2020, is the First World Expo that is being conducted in the Middle East, Africa and South Asia (MEASA) region; starting from October 20, 2020 to April 10, 2021. The event which is hosted in the heart of Dubai shall welcome 200 international countries and about 25 million or more visitors. It



will be one big step towards efficient development. The Expo will be held in the name of ‘Connecting Minds, Creating the Future.’ The goal is to connect people and innovative ideas, leading the people of the world towards a better tomorrow. Opportunity, Mobility and Sustainability shall be the core themes of the Expo and it will connect nations, multinational corporations, non-government organisations and millions of visitors from all over the world, providing an opportunity to see future innovations, marvel at unique architecture, experience diverse cultures, taste cuisines from all over the world, and enjoy live performances, art and other entertainment.

Initiatives in the Expo 2020:

- **Al Wasl Plaza** is one of the biggest initiatives taken in the Expo and it is said to bring together a physical manifestation of the main theme of

the Expo; it is the site where the event will be conducted and each participating country will have its own pavilion to showcase their achievements and innovations.

- **World Majlis** is a dialogue programme aimed at facilitating global conversation and creating connection between people and ideas. It brings together various government, professional, academics and cultural backgrounds in a meetings space where people will share informed opinions to help shape decision for communities.
- **Expo Live** is an innovation and partnership programme launched by Expo 2020 to promote creative solutions that improve lives while preserving the planet. Expo Live will support to demonstrate the power of a World expo in bringing a progressive and a prosperous future.

- **Global Best Practice Programme** is a series of best practices from around the world have been selected to be showcased in the event. A total of 25 Best practices in five different categories have been selected by an international jury that can be replicated, adapted and scaled for a greater global impact.

- **Expo School Programme** is a youth based programme offering fun, engaging activities and resources for schools in UAE along with hands on experiences for young people to explore the Expo.

Interesting facts on the Expo 2020

1. Expo 2020 Dubai will have a dedicated metro station capable of carrying 23,000 passengers per hour in each direction. Dubai’s metro

- system is driverless.
- The Expo site is 4.38sq km in size, or 613.5 football pitches if you prefer.
 - There will be a 'Superstore of the Future' on site which will be 3,000sqm in size.
 - 25 million visitors are expected to visit Expo 2020 Dubai, Australia's population is a similar number.
 - Expo is expected to create almost 300,000 jobs. The majority in the tourism sector.
 - 90% of the materials used to construct the site will be used to create legacy buildings after the event.
 - Uber has signed an agreement with Dubai's Roads and Transport Authority to test flying cars during the event.
 - The Expo 2020 Dubai logo was inspired by a ring found in the

UAE at 4000-year-old archaeological site.

EXPO 2020: A massive phenomenon for the Country and the people

Each new beginning, every new initiative, any new product brings a lot of changes and development in the society and and the Expo is no different, it also aims in bringing the best for the people and the residents of UAE.

- According to Expo 2020 Executive Body, Dubai's Expo 2020 is expected to yield \$24.2 billion in revenue;
- Expo 2020 will provide 277,000 new job opportunities and will have a positive impact on small and medium enterprises (SMEs);
- It is predicted to boost

the economy of the Emirates by an average of 6.4 percent every year from 2014 to 2016 – ultimately increasing to 10.5 percent by 2020;

- The UAE government has predicted that revenues of up to \$17.7 billion will be generated if the Expo is a success, which organizers feel is certain;
- Some analysts have predicted that by 2020, the UAE could garner as much as \$150 billion in foreign direct investment in sectors such as real estate, hospitality, and tourism;
- The Expo 2020 is expecting 25 million visitors, 17 million of which will be international, this naturally will give a big thrust to the tourism and hospitality industries;
- For the Expo, Dubai is constructing a massive new city over an area of 1,082-acre. This project

itself has generated 15% of the city's new jobs. The figure is expected to double as the city gets closer to 2020.

Conclusion:

Thus Expo 2020 Dubai will be a celebration of human brilliance and achievement and an opportunity for people to connect from different corners of the world, to experience the best of art, culture, geography, science, technology, innovation and invention and to set into motion millions of new thoughts and ideas that will make a lasting impact in our lives. Throughout its history, UAE has shown the world what is possible through its remarkable development. With Expo 2020 Dubai, Dubai will go a step further in inspiring the next generation to spark innovations that will underline the next 50 years of human progress.



HOT NEWS

TIPS TO SUCCEED IN AN INTERVIEW

- Research the industry and company
- Clarify your "selling points" and the reasons you want the job
- Anticipate the interviewer's concerns and reservations
- Prepare for common interview questions
- Line up your questions for the interviewer
- Practice, practice, practice
- Score a success in the first five minutes
- Get on the same side as the interviewer
- Be assertive and take responsibility for the interview
- Be ready to handle all questions
- Make your selling points clear
- Think positive
- Close on a positive note



- Bring a copy of your resume to every interview
- Don't worry about sounding canned or not sincere
- Make the most of the "Tell me about yourself" question
- Speak the right body language
- Be ready for "behaviour-based" interviews
- Send thank-you notes
- Don't give up!

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