



**KLE SOCIETY'S KLE COLLEGE OF LAW, NAVI MUMBAI**

**COURSE PLAN**

**AY 2022 – 2023**

**SECTION-I**

**CLASS:** 3 Yr/5 yr

**SEMESTER:** VI/X

**COURSE NAME:** CONFLICT OF LAWS

**HOURS PER WEEK:** 6

**FACULTY NAME:**

**CONTACT DETAILS:**

**CREDITS:** 4

**COURSE OBJECTIVES:**

The course aims at explaining the principles of the Private International Law, also known as Conflict of Laws. The students will be learning the rules that enable finding that law of that country which will govern disputes among private parties involving a foreign element. This course introduces students to private international law, as to the fundamental concepts and mechanism of the branch of law, and the legislative rules, judicial interpretations issued by Authorities. The students will be introduced to practical aspects of civil and commercial practice relating to cross border issues involving contracts, property, succession, marriage, divorce, and adoption. Study of this law will also give an international and comparative perspective to the study of different laws required in practice of civil law

## **COURSE OUTCOMES:**

After completing this course, the students will be able to:

1. Define the principles of conflict of laws and its application in cases involving foreign elements.
2. Explain the concept of recognition and enforcement of foreign judgments and be able to apply the principles in their litigation.
3. Apply the principles of conflict of laws in relation to the Indian legal mechanism and its practices and its application.
4. Analyse the issue of jurisdiction and application of foreign laws in a case where foreign element is involved and provide guidance.
5. Should be able to compare the various laws and remedies available to the client and suggest the remedies.

## SECTION II

Unit Number and Title	Unit Details	Week	Hours per week	Teaching learning (methods used) / activities and or class trips / dates for assessment	Resource / Reference details
Unit: 1  Introduction and Stages of Analysis in Private International Law	Definition, meaning and scope of private international law	1	1	Presentation Lecture Interactive Learning	Private International Law – Paras Diwam  Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014  The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj  K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kulwer International
	Theories concerning private international law		1	Presentation Lecture Interactive Learning	Private International Law – Paras Diwam  Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014  The Conflict of Laws in India- Inter-Territorial and Inter-Personal

					<p>Conflict Oxford University Press – V. C. Govindraj</p> <p>K.B. Agrawal &amp; Vandana Singh, Private International Law in India, Wolters Kluwer International</p>
	Sources of private international law		1	<p>Presentation Lecture Interactive Learning</p>	<p>Private International Law – Paras Diwam</p> <p>Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014</p> <p>The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj</p> <p>K.B. Agrawal &amp; Vandana Singh, Private International Law in India, Wolters Kluwer International</p>
	Primary Characterization – defining the legal nature of the cause of action		2	<p>Presentation Lecture Interactive Learning</p>	<p>Private International Law – Paras Diwam</p> <p>Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014</p> <p>The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj</p>

					K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kluwer International
	Determining the connecting factor – articulating the relevant private international law	2	2	Presentation Lecture Interactive Learning	Private International Law – Paras Diwam  Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014  The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj  K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kluwer International
Delimitation and application of lex causae	Doctrine of Renvoi		1	Presentation Lecture Interactive Learning	Private International Law – Paras Diwam  Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014  The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj  K.B. Agrawal & Vandana Singh, Private International Law

					in India, Wolters Kulwer International
	The Scope of application of lex causa		2	Presentation Lecture Interactive Learning	Private International Law – Paras Diwam  Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014  The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj  K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kulwer International
	Substance and Procedure		1	Presentation Lecture Interactive Learning	Private International Law – Paras Diwam  Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014  The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj  K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kulwer International
	Depeceage and	3	1	Presentation	Private

	Incidental question			Lecture Interactive Learning	International Law – Paras Diwam  Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014  The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj  K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kulwer International
	The Act of State Doctrine		1	Presentation Lecture Interactive Learning	Private International Law – Paras Diwam  Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014  The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj  K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kulwer International
Unit: 2  Issues Relating to Jurisdiction	Jurisdiction and its implications in private International Law		2	Presentation Lecture Interactive Learning	Private International Law – Paras Diwam  Setalvad, Atul M.,

and Enforcement of Foreign Judgment					<p>Conflict of Laws, Lexis Nexis, 2014</p> <p>The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj</p> <p>K.B. Agrawal &amp; Vandana Singh, Private International Law in India, Wolters Kulwer International</p>
	Action in personam and action in rem in private international law		1	<p>Presentation Lecture Interactive Learning</p>	<p>Private International Law – Paras Diwam</p> <p>Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014</p> <p>The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj</p> <p>K.B. Agrawal &amp; Vandana Singh, Private International Law in India, Wolters Kulwer International</p>
	Action in personam: actor sequitur forum rei principle and its implication		1	<p>Presentation Lecture Interactive Learning</p>	<p>Private International Law – Paras Diwam</p> <p>Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014</p> <p>The Conflict of</p>



					<p>Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj</p> <p>K.B. Agrawal &amp; Vandana Singh, Private International Law in India, Wolters Kulwer International</p>
	In Personam Jurisdiction – The English Common Law and Indian Position	4	2	<p>Presentation Lecture Interactive Learning</p>	<p>Private International Law – Paras Diwam</p> <p>Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014</p> <p>The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj</p> <p>K.B. Agrawal &amp; Vandana Singh, Private International Law in India, Wolters Kulwer International Private International Law – Paras Diwam</p> <p>Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014</p> <p>The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press –</p>

					<p>V. C. Govindraj</p> <p>K.B. Agrawal &amp; Vandana Singh, Private International Law in India, Wolters Kluwer International</p>
	Action in Rem: Admiralty Jurisdiction in India		2	Presentation Lecture Interactive Learning	<p>Private International Law – Paras Diwam</p> <p>Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014</p> <p>The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj</p> <p>K.B. Agrawal &amp; Vandana Singh, Private International Law in India, Wolters Kluwer International Private International Law – Paras Diwam</p> <p>Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014</p> <p>The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj</p> <p>K.B. Agrawal &amp; Vandana Singh, Private</p>

					International Law in India, Wolters Kulwer International
	EC Regulation on Jurisdiction and the Recognition and Enforcement of Judgment (Brussels Regulation I and Recast Regulation)		2	Presentation Lecture Interactive Learning	Private International Law – Paras Diwam  Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014  The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj  K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kulwer International
	The Mareva and Worldwide Mareva Injunctions – International Dimensions	5	2	Presentation Lecture Interactive Learning	Private International Law – Paras Diwam  Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014  The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj  K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kulwer International

	Effects of Jurisdiction Clauses in India and under the Common Law		2	Presentation Lecture Interactive Learning	Private International Law – Paras Diwam  Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014  The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj  K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kulwer International
	Enforcement of foreign Judgments		2	Presentation Lecture Interactive Learning	Private International Law – Paras Diwam  Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014  The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj  K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kulwer International
	Need recognizing foreign judgments 8.2 Limitations in recognizing and	6	2	Presentation Lecture Interactive Learning	Private International Law – Paras Diwam

	enforcement				<p>Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014</p> <p>The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj</p> <p>K.B. Agrawal &amp; Vandana Singh, Private International Law in India, Wolters Kulwer International</p>
	Section 13, 14 and 444 of C.P.C. and S. 41 of the Indian Evidence Act		2	<p>Presentation Lecture Interactive Learning</p>	<p>Private International Law – Paras Diwam</p> <p>Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014</p> <p>The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj</p> <p>K.B. Agrawal &amp; Vandana Singh, Private International Law in India, Wolters Kulwer International</p>
	Brussels Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters, 1968		2	<p>Presentation Lecture Interactive Learning</p>	<p>Private International Law – Paras Diwam</p> <p>Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014</p>

					<p>The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj</p> <p>K.B. Agrawal &amp; Vandana Singh, Private International Law in India, Wolters Kulwer International</p>
<p>Unit: 3</p> <p>Applicable Law – Family Matters</p>	<p>Domicile as deciding factor</p> <p>Concept of Domicile</p> <p>Common Law</p> <p>Approach Indian Approach</p>	7	3	<p>Presentation Lecture</p> <p>Interactive Learning</p>	<p>Private International Law – Paras Diwam</p> <p>Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014</p> <p>The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj</p> <p>K.B. Agrawal &amp; Vandana Singh, Private International Law in India, Wolters Kulwer International</p>
	<p>Jurisdiction and Choice of Law Issues in Family Matters</p>		2	<p>Presentation Lecture</p> <p>Interactive Learning</p>	<p>Private International Law – Paras Diwam</p> <p>Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014</p> <p>The Conflict of Laws in India- Inter-Territorial and Inter-Personal</p>

					<p>Conflict Oxford University Press – V. C. Govindraj</p> <p>K.B. Agrawal &amp; Vandana Singh, Private International Law in India, Wolters Kulwer International</p>
	Marriage and Matrimonial Causes		1	<p>Presentation Lecture Interactive Learning</p>	<p>Private International Law – Paras Diwam</p> <p>Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014</p> <p>The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj</p> <p>K.B. Agrawal &amp; Vandana Singh, Private International Law in India, Wolters Kulwer International</p>
	Legitimacy and Legitimation	8	1	<p>Presentation Lecture Interactive Learning</p>	<p>Private International Law – Paras Diwam</p> <p>Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014</p> <p>The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj</p>

					K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kluwer International
	Adoption, Guardianship and Child Custody (Jurisdiction and Choice of Law Issues)		3	Presentation Lecture Interactive Learning	Private International Law – Paras Diwam  Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014  The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj  K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kluwer International
	Hague Conference on Private International Law		2	Presentation Lecture Interactive Learning	Private International Law – Paras Diwam  Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014  The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj  K.B. Agrawal & Vandana Singh, Private International Law



					in India, Wolters Kulwer International
Unit: 4  Applicable Laws: Contracts and Commercial Matters	Governing Law and Transnational Contracts – Common Law and Indian Law	9	2	Presentation Lecture Interactive Learning	Private International Law – Paras Diwam  Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014  The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj  K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kulwer International
	Rome Regulation I on Contractual Obligations		2	Presentation Lecture Interactive Learning	Private International Law – Paras Diwam  Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014  The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj  K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kulwer International
	IMF and		2	Presentation	Private

	Exchange Contracts			Lecture Interactive Learning	International Law – Paras Diwam  Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014  The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj  K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kulwer International
	Negotiable Instruments	10	2	Presentation Lecture Interactive Learning	Private International Law – Paras Diwam  Setalvad, Atul M., Conflict of Laws, Lexis Nexis, 2014  The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj  K.B. Agrawal & Vandana Singh, Private International Law in India, Wolters Kulwer International
	Torts and Rome Regulation II [Non-Contractual Obligation]		2	Presentation Lecture Interactive Learning	Private International Law – Paras Diwam  Setalvad, Atul M.,

					<p>Conflict of Laws, Lexis Nexis, 2014</p> <p>The Conflict of Laws in India- Inter-Territorial and Inter-Personal Conflict Oxford University Press – V. C. Govindraj</p> <p>K.B. Agrawal &amp; Vandana Singh, Private International Law in India, Wolters Kulwer International</p>
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### SECTION-III

#### **Course Outcome (CO) and Programme Outcome (PO) & Programme Specific Outcome (PSO1) Mapping**

Course Outcome	Programme Outcome					
	PO1	PO2	PO3	PO4	PO5	PO6
CO1			✓			
CO2	✓		✓		✓	
CO3	✓	✓		✓		
CO4	✓	✓	✓	✓	✓	✓
CO5	✓		✓	✓	✓	✓

### SECTION-IV

#### **Course Outcome and Internal Assessment Mapping**

Learning outcomes of the course	Components of Assessment		
	Internal Assessment 1 (Class Test)	Internal Assessment 2 (Research Project)	End Semester Exam
CO1: Remember and Understand	✓		✓
CO2: Apply			✓
CO3: Analyze	✓	✓	
CO4: Evaluate	✓	✓	
CO5: Create		✓	