Chanakya National Law University, Patna

Academic Session: 2022-23;
B.A., LL. B. (Hons.) and B.B.A., LL.B. (Hons.)
Semester- IX

Course Title: Conflict of Laws (Private International Law)

Course Overview

Private International Law/Conflict of laws is not a separate branch of law like Law of contracts or Law of Torts. It is all – pervading. It concerns every branch of law. Private international law is that part of a municipal law. The principles of private international law will be applicable when foreign element is involved in a civil or commercial matter/case. This law deals with three important questions; jurisdiction of court, recognition and enforcement of foreign judgments and the choice of law. Indian Private International Law when compared to English private international law is still young and our courts follow mostly English principles in number of conflict cases. Now our courts have occasions to evolve our own private international law principles. Accordingly, those are referred contextually for better understanding of the subject.

Learning Outcomes

1. The students may be benefitted by studying the private international law as the interstate relations are being increased and number of transactions between individuals of different countries are taking place, particularly, in this globalising era.
2. Knowledge and the systematic study of this subject will be helpful to our lawyers, judges and even for law makers to meet the conflicting situations in resolving civil disputes by our courts if foreign elements are involved in.
3. The students will specially be equipped with the knowledge of private international law and will have expertise to meet any situation of conflict that arises in the application of foreign law in cases that may come before our courts.

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I	1.Nature and scope of private international law 2.Technical terms 3. Bases of conflict of laws	6 Lectures

	4. Functions of private international law 5. Unification of private international law 6. Indian private international law	
Module II	Preliminary Topics 1. Classification of Cause of action 2. Classification of Rule of law 3. Incidental question 4.Renvoi 5. Substance and Procedure 6. Proof of foreign law 7. Exclusion of foreign law 8. Domicile, Nationality and Residence	10 Lectures
Module III	Jurisdiction of Courts 1. English law 2. Traditional rules 3. New rules	8 Lectures
Module IV	Jurisdiction of Courts 1. Indian law 2. Statuary provisions 3. Indian decisions	6 Lectures
Module V	Recognition and Enforcement of Foreign Judgements 1. Recognition and Enforcement at Common Law 2. Defences 3. EC and EFTA Judgements 4. Recognition and Enforcement within UK	6 Lectures

Module VI	Enforcement of Foreign Judgements under Indian Law 1. Statutory provisions 2. Decisions 3. Enforcement of Foreign Awards	6 Lectures
Module VII	Choice of Law 1. Choice of Law In Contract 2. Choice of Law in torts	6 Lectures
Module VIII	Family law 1. Marriage and Matrimonial Relieves 2. Conflict of Laws Relating to Children 3. Legitimacy and Legitimation 4. Adoption 5. Guardianship 6. Foreign Guardianship Orders	6 Lectures
Module IX	Law of Property 1. Movables and Immovables 2. Lex Situs Rule and its exception 3. Assainability 4.Validity of the assignment; Contractual questions 5. Effect of the assignment Proprietary questions 6. Matrimonial Property	6 Lectures

Recommended/Reference Text Books and Resources:

Text Books /References

Reference Books

1. Cheshire And North's Private International Law
2. Essays in International Litigation and Conflict of Laws, by Lawrence Collins
3. Conflict of Laws, by Atul Setalwad
4. Private International Law Indian and English, by Paras Diwan and Peeyushi Diwan
5. Conflict of Laws, Lecture notes, by Abla J Mayss

6. The Conflict of Laws, by J.H.C. Morris (Fourth edition by David McClean)

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