

COURSE TITLE	PRIVATE INTERNATIONAL LAW
COURSE CODE	10FL0802
COURSE CREDITS	4

Objective:

- 1 To introduce students to basic theoretical perspectives on the creation and application of law.
- 2 To Understand Private International law
- 3 To distinguish between public international law and private international law
- 4 To understand the principle of characterization
- 5 To know the principle of renvoi
- 6 To know how and when to apply foreign judgment.
- 7 To encourage the development of skills in legal reasoning and analysis among the students of private international law
- 8 To introduce students to basic theoretical perspectives on the creation and application of law
- 9 To provide students with knowledge and appreciation of the major issues related to private international law
- 10 To provide students with awareness of principles underpinning legal doctrine, and of the ways in which conflict of laws can be solved

Course Outcomes: After completion of this course, student will be able to:

- 1 Understand and remember the principles of conflict of laws and its application in cases involving foreign element
- 2 Apply the concept of domicile in matrimonial disputes
- 3 Analyze the principles of conflict of laws in relation to the Indian legal mechanism and its practices
- 4 Evaluate the issue of jurisdiction and application of foreign laws in a case where foreign element is involved

Pre-requisite of course: Knowledge of Public International Law

Teaching and Examination Scheme

Theory Hours	Tutorial Hours	Practical Hours	ESE	IA	CSE	Viva	Term Work
3	1	0	50	30	20	0	0

Contents : Unit	Topics	Contact Hours
1	Introduction <ul style="list-style-type: none"> • Definition and meaning of Private International Law , • Difference between Private and Public International Law, • Purpose of Private International Law, • Theories concerning private international law – English and Indian- Statutory, territorial, harmonization, international, local law and justice, • Sources of private international law – English and Indian , • Sources of private international law – English and Indian , • Hague Conventions on Private International Law 	9
2	Stages of Analysis in Private International Law <ul style="list-style-type: none"> • Primary Characterization – defining the legal nature of the cause of action, • Determining the connecting factor – articulating the relevant private international law principles, • Delimitation and application of lex causae, • Doctrine of Renvoi, • The Scope of application of lex causae, • Substance and Procedure , • Depechage and Incidental question , • Exclusion of Foreign Law , • Exclusion of Revenue Laws, • Exclusion of other Public Laws, • The Act of State Doctrine 	9
3	Jurisdiction, Domicile and Matrimonial Disputes <ul style="list-style-type: none"> • The Concept of Domicile , • Common Law Approach , An Indian Approach, Jurisdiction and its implications in private International Law , Action in personam and action in rem in private international law , Action in personam: actor sequitur forum rei principle and its implications Territorial jurisdiction, In Personam Jurisdiction – The English Common Law and Indian Position , Marriage and Matrimonial Causes, • Legitimacy and Legitimation , • Adoption, Guardianship and Child Custody (Jurisdiction and Choice of Law Issues), • Formal validity by lex loci celebrationis 	9
4	Commercial and Contractual Matters: Applicable Law <ul style="list-style-type: none"> • Governing Law and Transnational Contracts – Common Law and Indian Law , • Rome Regulation I on Contractual Obligations, • Torts and Rome Regulation II [Non-Contractual Obligation] 	9
5	Need for Recognition and Enforcement of Foreign Judgments and Foreign Awards <ul style="list-style-type: none"> • Need recognizing foreign judgments , • Limitations in recognizing and enforcement , • Section 13,14 and 444 of C.P.C. and S. 41 of the Indian Evidence Act , • Brussels Convention on Jurisdiction and Enforcement of Judgments in Civil and Commercial Matters, 1968 	9
Total Hours		45

Suggested List of Experiments:

Contents : Unit	Topics	Contact Hours
1	Issues related to Private International Law Issues related to Private International Law	15
Total Hours		15

Textbook :

- 1 PRIVATE INTERNATIONAL LAW, PARAS DIWAN, New Delhi: Deep & Deep Publication , 1998

Suggested Theory Distribution:

The suggested theory distribution as per Bloom’s taxonomy is as follows. This distribution serves as guidelines for teachers and students to achieve effective teaching-learning process

Distribution of Theory for course delivery					
Remember / Knowledge	Understand	Apply	Analyze	Evaluate	Higher order Thinking / Creative
10.00	10.00	30.00	10.00	20.00	20.00

Instructional Method:

- 1 Classroom Teaching
- 2 Seminar
- 3 Tutorial Experiences
- 4 Expert Lectures
- 5 Research Project

Supplementary Resources:

- 1 <https://www.bing.com/ck/a?!&&p=a795716e0e69a0c3JmltdHM9MTY3ODA2MDgwMCZpZ3VpZD0yNjVIMjUwZS0xMzY3LTY3YzYtMDhjZC0zNGMyMTJmYzY2NWYmaW5zaWQ9NTE5OQ&pfn=3&hsh=3&fclid=265e250e-1367-67c6-08cd-34c212fc665f&psq=lex+situs&u=a1aHR0cHM6Ly93d3cubGF3Y29sdW1uLmluL3J1bGUtb2YtbGV4LXNpdHVzLXVvZGVyLXByaXZhdGUtaW50ZXJvYXRpb25hbC1sYXcv&ntb=1>