

BBA.LL.B (HONS.) – VII-SEMESTER

PRIVATE INTERNATIONAL LAW

COURSE CODE:

Course Objective: The objective of this course is to study the basic principles governing conflict of laws in their application to various situations. Working of International through various International organisations and international actors/subjects in various fields will be thoroughly dealt and judicial decisions by ICJ for Settlement of disputes between individuals of different nations will be covered.

Course Outcomes:

1. To understand the nature of international law and differentiate from domestic legal systems
2. To analyse the international relations in the legal perspectives
3. To evaluate the functioning of international organisations and application of international law to its subjects
4. To understand the principles governing international law on individuals
5. To analyse and interpret various judicial decisions pertaining to International and overseas citizens.

UNIT – I: Introduction, Application and Subject Matter of Private International Law, Distinction with Public International Law, Characterization and Theories of Characterization, Concept of Renvoi, Application of Foreign Law, Domicile, Jurisdiction of Courts

UNIT – II: Family Law matters, Material and Formal Validity of Marriage under Indian and English Law, Choice of Law and Jurisdiction of Courts in Matrimonial Causes, Dissolution of Marriage, Grounds of Divorce, Restitution of Conjugal Rights, Recognition of Foreign Judgments

UNIT – III: Adoption: Recognition of Foreign Adoptions, Adoption by foreign Parents, Jurisdiction under Indian and English Law

UNIT – IV: Indian Law relating to foreign judgment: Basis of recognition, recognition, Finality, Failure, Direct Execution of Foreign Decrees, PSDA (Professional Skill Development Activities)

UNIT-V: Article 38 of International Court of Justice, Case studies- Application of the International Convention on the Elimination of All Forms of Racial Discrimination (Qatar v. United Arab Emirates) (2021), Immunities and Criminal Proceedings (Equatorial Guinea v. France) (2020), Appeal Relating to the Jurisdiction of the ICAO Council under Article 84 of the Convention on International Civil Aviation (Bahrain, Egypt, Saudi Arabia and United Arab Emirates v. Qatar) (2020), Appeal Relating to the Jurisdiction of the ICAO Council under Article II, Section 2, of the 1944 International Air Services Transit Agreement (Bahrain, Egypt and United Arab Emirates v. Qatar) (2020), Jadhav (India v. Pakistan) (2019)

Text Book:

1. Cheshire, Private International Law

Reference Books:

1. Dr. Paras Diwan, Private International Law
2. Morris, Private International Law