



SYMBIOSIS COLLEGE OF ARTS & COMMERCE

An Autonomous College | Under Savitribai Phule Pune University

Reaccredited 'A+' with 3.51 CGPA For Third Cycle By NAAC | College with Potential for Excellence

COURSE

ALLIED CONCEPTS IN MERCANTILE LAW - II

Course Learning Outcomes:

On successful completion of the module students will be:

1. Students will be acquainted to few allied concepts in mercantile laws which are of global importance.
2. Students will be aware about theoretical principles of contract of sale, negotiable instruments and legal remedies in case of breach of such contracts.
3. Students will be sensitized about the rules relating to consumer law, rights of consumers and legal remedies in case of their violation.
4. Students will get introduced to the significance of contemporary concepts such as Intellectual Property Rights and its importance at the National and International level.
5. Students will get introduced to the importance of e-commerce, cyber laws and legal security.
6. Students will be equipped with basic awareness about insolvency and bankruptcy code.
7. Through the study of various case-laws, students will understand the interpretation and application of laws.

Gist of this course in maximum 3 to 4 lines

This course will equip the students with the study of varied concepts in mercantile laws such as contract of sale, negotiable instruments, consumer law, intellectual property rights, cyber law and insolvency code. Law and society go hand in hand. This course will imbibe in students a good practice of becoming a law-abiding citizen as it will increase their legal awareness. The study of allied concepts in mercantile laws is therefore of global relevance.

Detailed syllabus

Unit	CONTENTS OF THE COURSE	No. of Lectures
1. The Sale of Goods Act, 1930	<p>1.1 Contract of Sale – definition, essential requirements, types, examples, importance and utility of this law</p> <p>1.2 Sale and Agreement to sell – definitions, meaning, examples, differences</p> <p>1.3 Conditions and Warranties – definitions, meaning, examples, differences</p> <p>1.4 Express and Implied conditions and warranties – Caveat-emptor principle with exceptions</p> <p>1.5 Transfer of property in the goods – Sale by non-owner and defective title-holder, Rules of delivery of goods</p> <p>1.6 Unpaid Seller – definition, meaning, rights and legal remedies of unpaid seller</p> <p>1.7 Auction sale</p>	10

<p>2. Negotiable Instruments Act, 1881</p>	<p>2.1 N.I. – meaning, concept, types, features, presumptions about n.i. 2.2 Order and Bearer instruments – meaning, types 2.3 Negotiation and Endorsement – meaning, essentials and types 2.4 Holder and Holder in due course – meaning, privileges of holder in due course 2.5 Promissory note – definition, parties, essential requirements 2.6 Bill of exchange – definition, parties, essentials, acceptance of bill 2.7 Cheque – definition, parties, essential requirements, crossing of cheques 2.8 Presentment of n.i. – meaning, types – for acceptance – for payment 2.9 Dishonourment of n.i. – meaning, types, notice of dishonour 2.10 Dishonourment of cheque – legal remedy under Section 138 of the Act 2.11 Landmark case-laws</p>	<p>10</p>
<p>3. The Consumer Protection Law in India</p>	<p>3.1 History, objectives, features, importance of the Consumer Law 3.2 Various rights of a consumer 3.3 Definitions and meaning of important terms – consumer, person, complainant, consumer dispute, trader, goods, services, complaint, defect, deficiency, unfair contract, restrictive trade practices, unfair trade practices 3.4 Consumer Protection Authority – establishment, qualifications, vacancy, procedure, powers and functions 3.5 Consumer Protection Councils, their objectives and procedure – District Council, State Council, National Council 3.6 Consumer Disputes Redressal Commission with reference to its establishment, qualifications, disqualifications of Panelists, vacancy, jurisdiction, method of filing complaint, procedure, findings, review, appeal – District Commission, State Commission, National Commission 3.7 Settlement through Mediation Cell 3.8 Product liability action 3.9 Offences and penalties 3.10 Landmark case-laws</p>	<p>10</p>
<p>4. Introduction to Intellectual Property Rights (IPR)</p>	<p>4.1 Meaning, origin, history, importance of IPR, various types of IPR 4.2 WIPO – objectives, functions, organs, role of WIPO in IPR protection 4.3 TRIP agreement – historical background, objectives, importance 4.4 Patent – meaning, scope, subject-matter, term, rights of patent holder 4.5 Trademark – meaning, scope, subject-matter, term, rights of owner 4.6 Industrial design- meaning, scope, subject-matter, term, rights of owner 4.7 Copyright - meaning, scope, subject-matter, term, rights of owner 4.8 Geographical Indication- meaning, scope, subject-matter, term, rights of owner 4.9 Traditional knowledge- meaning, scope, subject-matter, term, rights of owner 4.10 Landmark case-laws</p>	<p>10</p>
<p>5. Introduction to Cyber Laws</p>	<p>5.1 E-contracts, E-commerce development – advantages, disadvantages, significance</p>	<p>10</p>

	<p>5.2 Information Technology Act, 2000 – aim, objectives, scope, history, significance of IT Act</p> <p>5.3 E-record – attribution, rules of dispatch, receipt of e-record</p> <p>5.4 Electronic governance</p> <p>5.5 Digital signature / Electronic signature – Certificate, meaning, significance</p> <p>5.6 Legal issues in cyber contracts</p> <p>5.7 Adjudication – Adjudicating Officer, Cyber Appellate Tribunal</p> <p>5.8 Offences and penalties</p> <p>5.9 Cyber-crimes– meaning, evolution, types, prevention, relevant laws</p> <p>5.10 Landmark Case-laws</p>	
6. Introduction to Insolvency and Bankruptcy Code, 2016	<p>6.1 Introduction, historical background, objective of the Code</p> <p>6.2 Highlighting features of the Code</p> <p>6.3 Summary procedure</p> <p>6.4 Importance of the Code</p> <p>6.5 Landmark Case-laws</p>	04
	Total Number of Lectures	54

Suggested Reference Books:

1. P.C. Tulsian – ‘Business Law’ – By Tata McGraw Hill Publishing Co. Ltd., New Delhi
2. Tejpal Sheth – ‘Business Law’ – By Pearson Publications, Noida
3. Sushma Arora – ‘Business Law’ – By Taxmann’s Publication, New Delhi
4. Avtar Singh – ‘Consumer Protection Act’ – Eastern Book Co. Lucknow
5. K.D. Raju – Intellectual Property Law – New Era Law Publications, Delhi
6. E.T. Lokganathan – Intellectual Property Rights – New Century Publications, New Delhi
7. Krishna Kumar – Cyber Laws, Intellectual Property & E-Commerce Security – Dominant Publishers & Distributors, New Delhi
8. M.K. Saxena – Information Technology Law
9. Dr. R.K. Chaubey – An Introduction to Cyber-crime and Cyber Law – Kamal Law House
10. Justice Yatindra Singh – Cyber Law – Universal Law Publishing Co.
11. CA. Kamal Garg – Concise Commentary on Insolvency and Bankruptcy Code – Wolters Kluwer Pvt. Ltd., Gurgaon, Haryana
12. Bare Acts of respective Acts.