



Mercantile Law

Legal Dynamics of Business with special reference to Women at Workplace

[Core Course]

Semester: V	Credits: 3	Subject Code: C52201	Lectures: 48
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Course Outcomes:

At the end of this course, the learner will be able to:

- Recall the concepts relating to relevant Acts
- Apply the provisions relating to relevant Acts
- Discuss the relevance of Alternate Dispute Management mechanisms
- Recognize the significance of gender parity at workplace
- Analyze the provisions of the relevant Acts with the help of Case Laws and Case Studies

Unit 1: Contract Act-I

12

- Introduction
 - Role of Contracts in Mercantile Activity
 - Indian Contract Act 1872: Chapter Scheme; Definition and elements of Contract
 - Classification of Contracts
- Essentials of a valid Contract
- Proposal: Definition, Rules related to valid Proposal, Landmark Case
- Acceptance: Definition; Rules related to valid Acceptance, Landmark Case
- Consideration: Definition; Rules related to valid Consideration, Landmark Case
- Capacity of Parties
 - Minor: Definition, Rules related to agreements with Minors Landmark Case
 - Persons of Unsound Mind
 - Persons Disqualified by Law

Unit 2: Contract Act-II

12

- Consent and Free Consent: Definition
- Causes for Consent not remaining Free
 - Coercion: Definition and effect of Coercion on Contract, Landmark Case
 - Undue Influence: Definition and effect of Undue Influence on Contract
 - Difference between Coercion and Undue Influence
 - Fraud: Definition and effect of Fraud on Contract
 - Misrepresentation: Definition and effect of Misrepresentation on

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<ul style="list-style-type: none"> Contract <ul style="list-style-type: none"> o Difference between Fraud and Misrepresentation o Mistake: Definition and effect of Mistake on agreement. • Legality of Object <ul style="list-style-type: none"> o Agreements under Unlawful Consideration and Object, Landmark Case • Discharge of a Contract: Meaning and Modes of Discharge of Contract <ul style="list-style-type: none"> o By Performance o By Mutual Agreement o By Operation of Law o By Subsequent Supervening Impossibility o By Lapse of Time o By Breach of Contract • Agreements expressly declared as Void • Types of Contracts <ul style="list-style-type: none"> o Employment Agreement, Leave and License agreement • Standard Form Contract: Meaning and Advantages 	
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Unit 3: Disputes in Contracts and their Management	12
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<ul style="list-style-type: none"> • Remedies on Breach of Contract <ul style="list-style-type: none"> o Rescission, Suit for Damages (types of damages), Suit for Specific Performance, Injunction, Suit for Quantum Meruit o Limitations of filing a Suit • Alternate Dispute Management (ADM): Meaning and Benefits • Mechanisms of Alternate Dispute Management <ul style="list-style-type: none"> o Arbitration and Conciliation Act, 1996: Arbitration and Conciliation - Meaning, advantages and difference, Nature of cases to be referred for arbitration and conciliation o Lok Adalat: meaning and Advantages, Introduction to Legal Services Authorities Act, 1987, Nature of cases to be referred to Lok Adalat 	
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Unit 4: Women at Workplace	12
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<ul style="list-style-type: none"> • Legislation for Pay Parity for Women <ul style="list-style-type: none"> o Equal Remuneration Act 1976: Introduction o Provisions related to equal rates of payment • Legislation for Safety of Women at Workplace <ul style="list-style-type: none"> o Meaning & Composition, Requirements o Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013: Introduction o Definition of Workplace, Sexual Harassment, Aggrieved Woman, Employer o Internal Committee and Local Complaints Committee: Constitution 	
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and Functions	
○ Duties of Employer	
○ Case Studies	

#12 contact hours for Assignments, Visits, Research, Field Studies, etc.

Recommended Basic Reading:

- PPS Gogna. *A textbook of Mercantile Law*. S Chand & Co. Ltd.: New Delhi; 2015
- Maheshwari, S.N. and Maheshwari, S.K. *Principles of Business Law*. Himalaya Publishing House Pvt. Ltd. Mumbai; 2018

Recommended Reference Books:

- Bare Acts
- Kapoor N.D. *Elements of Mercantile Law*. Volume I; Sultan Chand & Sons: New Delhi, 2020.
- Bangia. R.K. *Contract Act I and II*. Allahabad Law Agency: Haryana; 2021.
- Kuchhal M.C. *Mercantile Law*. Vikas Publishing House: New Delhi; 2018.
- Peddina Mohana Rao. *Mercantile Law*. PHI Learning: New Delhi; 2011.
- Tulsian, P.C. and Bharat Tulsian. *Business Law*. Mc Graw Hill Education India Pvt. Ltd.: New Delhi; 2014.
- Daniel Albuquerque. *Legal Aspects of Business: Texts, Jurisprudence and Cases*. Oxford University Press: New Delhi; 2015.
- Dr. Singh Avtar. *Business Law*. Eastern Book Company: Lucknow; 2018.
- Bulchandani, K.R. *Business Law for Management*. Himalaya Publishing House: Mumbai; 2020.
- Kaviraj Singh. *Law and Her: A Handbook on Women Laws in India*. Satyam Law International. New Delhi; 2019.

Websites:

- <https://www.indiacode.nic.in/handle/123456789/2187?locale=en>
- https://labour.gov.in/sites/default/files/equal_remuneration_act_1976_0.pdf
- <https://egazette.nic.in/WriteReadData/2019/210414.pdf>

E-resources:

- <https://lawtimesjournal.in/category/legal-articles/indian-contract-act/>
- Jajodia, Gaurang, Remedies for Breach of Contract (April 19, 2012). Available at SSRN: <https://ssrn.com/abstract=2042652>

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Mercantile Law
Legal Dynamics of Business and recent Trends
[Core Course]

Semester: VI	Credits: 3	Subject Code: C62201	Lectures: 48
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Course Outcomes:

At the end of this course, the learner will be able to:

- Recall the concepts relating to relevant Acts
- Apply the provisions relating to relevant Acts
- Compare the different forms of Business Organizations with LLP
- Identify and examine the relevance of Intellectual Property Rights
- Recognize the significance of Cyber Security in the context of E-Commerce
- Analyze the provisions of the relevant Acts with the help of Case Laws and Case studies

Unit 1: Sale of Goods Act – 1930

12

- Introduction, Chapter Scheme
 - Essentials of Contract of Sale of Goods
 - Goods and Classification of Goods
 - Difference between Sale and Agreement to Sell
 - Conditions and Warranties: Express and Implied; Landmark Case
- Performance of Contract of Sale of Goods
 - Elements of performance: Transfer of possession and Transfer of property
 - Transfer of possession: Actual delivery, Constructive delivery and Symbolic delivery
 - Transfer of property under FAS/FAR, FOB/FOR, CIF and Ex-ship Contracts
- Unpaid Seller: Meaning and Rights of Unpaid Seller against Goods and against the Buyer

Unit 2: Limited Liability Partnership Act, 2008

12

- Limited Liability Partnership Act, 2008: Introduction and definition of Limited Liability Partnership
 - Nature of Limited Liability Partnership
 - Difference between Firm, LLP and Company
- Incorporation of Limited Liability Partnership and matters incidental thereto
 - Partners and their relations
 - Extent and Limitation of Liability of Limited Liability Partnership and Partners
 - Contributions

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<ul style="list-style-type: none"> ○ Conversion: Firm into Limited Liability Partnership and Private Company into Limited Liability Partnership 	
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<p>Unit 3: Intellectual Property Rights</p> <ul style="list-style-type: none"> • Intellectual Property: Meaning, definition and significance • Indian Patent Act, 1970 <ul style="list-style-type: none"> ○ Chapter Scheme, Definition of Patent, New Invention, Patented Article and Patented Process ○ Features of Patent ○ Types of Patents ○ Criteria for Patentability and Inventions not Patentable ○ Rights of Patent-holder ○ Infringement and Remedies • Trademarks Act, 1999 <ul style="list-style-type: none"> ○ Chapter Scheme, Definition of Trademark, Certification Marks, Service Marks, Collective Marks, Well-known Trademarks ○ Unconventional Trademarks ○ Features of Trademark ○ Classification of Goods and Services for registration ○ Rights of Trademark-holder ○ Infringement and Remedies • Geographical Indications Act, (Registration and Protection) Act, 1999 <ul style="list-style-type: none"> ○ Chapter Scheme, Definition of Geographical Indication, Producer, Registered Proprietor ○ Eligibility, Duration and benefits of registration ○ Rights under registered Geographical Indication • Copyright Act, 1957 <ul style="list-style-type: none"> ○ Chapter Scheme, Meaning and Definition ○ Eligibility and Duration of registration ○ Rights of a Copyright-holder • Industrial Design Act, 2000 <ul style="list-style-type: none"> ○ Chapter Scheme, Meaning and Definition ○ Eligibility and Duration of registration • Trade Secrets and Confidential Information <ul style="list-style-type: none"> ○ Meaning and Significance • Government Initiatives for Intellectual Properties <ul style="list-style-type: none"> ○ TRIPs: Objectives ○ WIPO: Functions ○ Global Innovation Index 	<p>14</p>
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Unit 4: Cyber Law and New trends in Law	10
<ul style="list-style-type: none">• E-Commerce: Advantages and Limitations<ul style="list-style-type: none">○ Need for Information Technology Act, 2000○ Chapter Scheme, Definition of Computer System, Electronic Record, Originator, Addressee and Cyber Security• Attribution, Acknowledgement and Dispatch of Electronic Records• Offences under Section 65, 66, 67, 72, 75, 76: Case Laws• New trends in Law<ul style="list-style-type: none">○ Legal Audit- Meaning, Legal Audit of Business: Areas and Significance○ Legal Entrepreneurship: Meaning and Significance	

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- Daniel Albuquerque. *Legal Aspects of Business: Texts, Jurisprudence and Cases*. Oxford University Press: New Delhi; 2015.
- Dr. Singh Avtar. *Business Law*. Eastern Book Company: Lucknow; 2018.
- Bulchandani, K.R. *Business Law for Management*. Himalaya Publishing House: Mumbai; 2020.
- Neeraj Pandey, Khushdeep Dharni. *Intellectual Property Rights*. PHI Learning Pvt. Ltd.: New Delhi; 2014

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- https://legislative.gov.in/sites/default/files/A1930-3_0.pdf
- <https://www.mca.gov.in/content/mca/global/en/acts-rules/ebooks.html>
- <https://www.meity.gov.in/content/information-technology-act-2000>
- https://ipindia.gov.in/writereaddata/Portal/IPOAct/1_31_1_patent-act-1970-11march2015.pdf

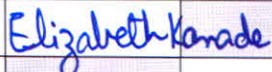
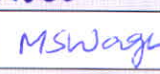

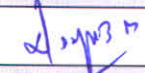

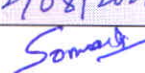



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- <https://copyright.gov.in/Documents/CopyrightRules1957.pdf>
- <https://legislative.gov.in/sites/default/files/A1999-48.pdf>

E-resources:

- Jain, Sankalp, Contracts of Sale: Terms, Conditions and Warranties with Special Reference to Sale of Goods Act, 1930 (October 31, 2015). Available at SSRN: <https://ssrn.com/abstract=2776977>
- Lalit Jajpura, Bhupinder Singha and Rajkishore Nayak, An Introduction to Intellectual Property Rights and their Importance in Indian Context, Journal of Intellectual Property Rights Vol 22, January 2017, pp 32-41

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Faculty	Dr. Mrs. Dimple Buche	 12/08/2021
Faculty	Mrs. Deepanjali Mazumder	 12/08/2021
Subject Expert (Outside SPPU)	Dr. Smita Deshpande	 12/08/2021
Subject Expert (Outside SPPU)	Ms. Soma Kulshrestha	 12/08/2021
VC Nominee	Dr. Yashodhan Mithare	 12/08/2021
Industry Expert	CA Akshay Oke	 12/08/2021
Alumni	Mrs. Pratishtha Sharma	 12/08/2021

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