

POST GRADUATE DEPARTMENT - BUSINESS LAW

(Elective)

Syllabus of Subject: *INSURANCE LAW*:

Insurance law is a subject of key import to individuals & the business sector. The aspiration of insurance is to compensate the aggrieved party, as far as money can, against loss arising from a variety of risks. Thus, when a person enters into an insurance contract he purchases for an agreed Premium, financial coverage from loss sustained due to the peril insured against.

Insurance can be sketchily categorized into life insurance and general insurance. The later covers a spectrum of insurances such as Marine insurance, an assortment of property insurances, liability insurance.

The objectives of this course is to provide the students –

- a) An understanding of the Legal dimensions of the law relating to the formation of insurance contracts.
- b) An insight into the laws, which buttress the operations of insurance.
- c) To comprehend & appreciate the significance of various types of insurances & the consequences of the happening of the peril/s insured against.
- d) To familiarize with the organizational set-up of the redressal mechanisms, functions & powers of the same, claim settlement procedural aspects, under the various statutes pertaining to insurance.

1 INTRODUCTION:

1.1 Nature & scope of insurance.

1.2 Constitutional perspectives-List I-Entries 24, 25,29,30, 47; List III-Entries 19, 23, 32, 35,47, 56.

1.3 History of Marine, Fire & Life insurances.

1.4 Legislations governing insurance-Insurance Act, 1938; IRDA Act, 1999; Consumer Protection Act, 1986.

2 GENERAL PRINCIPLES OF LAW OF INSURANCE:

2.1 Essential elements of insurance contracts.

2.2 Classification of insurance.

2.3 Formation of insurance contracts.

2.4 Nature of insurance contracts

2.4.1 Contract is Aleatory;

2.4.2 Contract of Uberrima fide;

2.4.3 Contract of Indemnity;

2.4.4 Contract of Wager.

2.5 Insurable interest.

2.6 Premium.

2.7 Risk.

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- 2.8 Assignment of Insurance policies.
- 2.9 Warranties & disclosures.
- 2.10 Double insurance & re-insurance.
- 2.11 Doctrine of Contribution, Subrogation & Reinstatement.

3 LIFE INSURANCE:

- 3.1 Nature & scope of life insurance.
- 3.2 Kinds of life insurance contracts.
- 3.3 Events insured against in life insurance with special reference to Felo De Se.
- 3.4 Factors affecting risk in life insurance.
- 3.5 Amounts recoverable under life insurance.
- 3.6 Persons entitled to payment under life insurance.
- 3.7 Settlement of claims.
- 3.8 Legislations governing Life Insurance-LIC Act, 1956; The Fatal Accidents Act, 1855; The Personal Injuries (Compensation Insurance) Act, 1963.

4 MARINE INSURANCE:

- 4.1 Nature & scope of marine insurance.
- 4.2 Salient features of the English & Indian Marine Insurance Acts.
- 4.3 Classification of marine insurance policies.
- 4.4 Change of voyage and deviation.
- 4.5 Maritime perils.
- 4.6 Warranties.
- 4.7 Loss.

5 PROPERTY INSURANCE:

- 5.1 Fire Insurance.
- 5.2 Burglary and theft insurance.
- 5.3 Livestock insurance.
- 5.4 Agricultural insurance.
- 5.5 Plate Glass insurance.
- 5.6 Goods in transit insurance.
- 5.7 Policies for accidental loss or damage to property.
- 5.8 The Emergency Risks (Factories) Insurance.
- 5.9 The Emergency Risks (Goods) Insurance.
- 5.10 The Motor Vehicles Act, 1988.



READING MATERIAL:

- A. Study Material:
 - a. K.S.N. Murthy & Dr. K.V.S. Sarma - Modern Law Of Insurance.
 - b. M. N. Srinivasan - Principles Of Insurance Law (Life - Fire - Marine - Motor And Accident).
 - c. Avtar Singh - Law Of Insurance.
- B. Reference Material:
 - a. E.R. Hardy Ivamy - General Principles of Insurance Law.
 - b. Eric M. Holmes, William F. Young – Insurance: Cases And Materials.
 - c. Colinvaux – Law Of Insurance.
 - d. Edwin W. Patterson – Cases And Materials On Law Of Insurance.
 - e. John Birds – Modern Insurance Law.

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