

INSURANCE LAW

[PAPER CODE: 506 B & 606 B]

1. INTRODUCTION

Insurance law governs the contractual and statutory obligations of insurers and insured parties. This course provides a comprehensive study of the legal framework regulating insurance in India, including its fundamental principles, statutory provisions, and judicial interpretations. Students will explore key legislation, case laws, regulatory mechanisms, and international perspectives on insurance governance.

2. COURSE OBJECTIVES

This course aims to:

1. Explain the concept, significance, and historical evolution of insurance law.
2. Analyze the Insurance Act, 1938, and the role of the Insurance Regulatory and Development Authority of India (IRDAI).
3. Examine the legal aspects of life, marine, motor vehicle, and health insurance.
4. Understand the principles of insurance contracts, including indemnity, utmost good faith, and subrogation.
5. Evaluate emerging challenges such as digital transformation, cyber insurance, and global regulatory trends.

3. COURSE OUTCOMES

Upon successful completion, students will be able to:

1. Define and explain the fundamental principles and types of insurance.
2. Understand statutory provisions regulating insurance in India.

3. Analyze landmark judicial interpretations affecting insurance contracts.
4. Evaluate consumer protection laws in insurance contracts.
5. Assess global trends and technological advancements in insurance regulation.

4. COURSE STRUCTURE & RECOMMENDED READINGS

SEMESTER-V

PAPER CODE: 506 B

Full Marks: 50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

4 Credits [3 Lecture hours+1 Tutorials per week]

Required Lecture Hours: 48 Hours

PART A: INSURANCE LAW FRAMEWORK

I. Concept and Evolution of Insurance Law (5 Marks)

- Definition, significance, and role of insurance in economic stability
- Historical development of insurance law in India
- Types of insurance: Life, General, Health, and Social Insurance
- Principles of insurance: Indemnity, Utmost Good Faith, Insurable Interest, Contribution, Subrogation

Landmark Case Laws:

- *New India Assurance Co. Ltd. v. Hilli Multipurpose Cold Storage Pvt. Ltd. (2015)* – Consumer rights in insurance disputes
- *United India Insurance Co. Ltd. v. Manubhai Dharmasinhbhai Gajera (2008)* – Good faith principle in insurance

Recommended Readings:

1. Mishra, M.N. Insurance Principles and Practice, 22nd ed., S. Chand Publishing, 2020.

2. Rejda, George. Principles of Risk Management and Insurance, Pearson Education, 2019.

II. Regulatory Framework of Insurance in India (5 Marks)

- The Insurance Act, 1938 – Key provisions and amendments
- Role and functions of IRDAI
- Consumer Protection in Insurance Contracts
- Key International Insurance Regulatory Practices

Landmark Case Laws:

- *LIC of India v. Consumer Education & Research Centre (1995)* – Policyholder rights
- *United India Insurance Co. Ltd. v. Pushpalaya Printers (2004)* – Regulatory compliance in motor insurance

Recommended Readings:

1. Kannan, T.V. Insurance Law in India, Eastern Book Company, 2021.
2. IRDAI Annual Reports and Guidelines, 2022.

III. Life and General Insurance Laws (5 Marks)

- Life Insurance Corporation Act, 1956 – Structure and governance
- Marine Insurance Act, 1963 – Essentials and legal principles
- Motor vehicle insurance – Liabilities and rights
- Health and social insurance – Legal perspectives

Landmark Case Laws:

- *Oriental Insurance Co. Ltd. v. National Insurance Co. Ltd. (2009)* – Subrogation principle
- *New India Assurance Co. Ltd. v. Shri Sadanand Mukhi & Anr (2009)* – Motor vehicle insurance disputes

Recommended Readings:

1. Srivastava, A.K. Law of Insurance in India, Universal Law Publishing, 2020.
2. IRDAI Guidelines on Motor and Health Insurance, 2021.

SEMESTER-VI

PAPER CODE : 606 B

Full Marks: 50

(Theory Paper – 40 Marks, Internal Assessment – 10 Marks)

4 Credits [3 Lecture hours+1 Tutorials per week]

Required Lecture Hours: 48 Hours

PART A: INSURANCE CONTRACTS AND EMERGING TRENDS (25 Marks)

IV. Essentials of Insurance Contracts and Legal Principles (5 Marks)

- Elements of a valid insurance contract
- Duty of Disclosure and Representations
- Claims Settlement Process and Dispute Resolution
- Judicial Interpretations of Insurance Contracts

Landmark Case Laws:

- *Satwant Kaur Sandhu v. New India Assurance Co. Ltd. (2009)* – Non-disclosure in health insurance
- *Reliance Life Insurance Co. Ltd. v. Rekhaben Nareshbhai Rathod (2019)* – Claim settlement issues

Recommended Readings:

1. Clarke, Malcolm. The Law of Insurance Contracts, 6th ed., Oxford University Press, 2017.
2. Jain, V.K. Insurance Law and Practice, Taxmann Publications, 2019.

V. Emerging Trends and Challenges in Insurance Law (5 Marks)

- Digital transformation and InsurTech innovations
- Cyber Insurance and liability in the digital age
- Microinsurance and inclusive growth policies
- International comparisons and future regulatory trends

Landmark Case Laws:

- *Facebook v. Cambridge Analytica (2018)* – Cyber liability and data protection
- *The State of Maharashtra v. ITC Ltd. (2020)* – Technology impact on insurance fraud

Recommended Readings:

1. Moitra, D.K. Emerging Issues in Insurance Law, LexisNexis, 2021.
2. OECD Reports on Global Insurance Regulations, 2022.
