

STAGE-1

S-103 - BUSINESS LAWS

i. Introduction:

This course is designed to focus on the important topics of Business Laws, governing the operational aspects of business. A thorough study of this course will develop students' knowledge and ability to comprehend the salient features of business laws easily.

ii. Objectives:

To provide the students with a knowledge of business laws, enabling them to:

- formulate various business plans helpful for operational and long-term decisions-making,
- advise the management on the financial and non-financial implications of business laws, for the effective operations of the business.

iii. Outcomes:

- On completion of this course, students should be able to:
- identify and describe the sources of business laws,
- identify and explain various aspects of contracts such as communication, acceptance and revocation of proposals, essentials of valid contract performance, discharge, breach of contract and damages for breach of contract, contract of bailment,

- describe how an agency is created,
- differentiate between contract of Indemnity and Guarantee,
- explain the classes of agent and describe the agent's duty to the principal and principal's duty to agent,
- identify and explain the rights and liabilities of parties to a contract, when principal is disclosed or undisclosed,
- describe the ways when an agency is terminated,
- explain the kinds of contract of sales,
- differentiate between hire-purchase contract and deferred payment sale,
- identify and explain the conditions of sale of goods, transfer of property, transfer of title of goods, performance of the contract of sale,
- identify and explain various laws contained in Partnership Act, 1932,
- identify and explain the provisions contained in Negotiable Instruments Act, 1881.
- Identify and explain the provisions enunciated in Industrial Relations Act, 2008, Workmen's Compensation Act, 1923 and West Pakistan Industrial and Commercial Employment (Standing Order) Ordinance, 1968.

INDICATIVE GRID:

SYLLABUS CONTENT AREA	WEIGHTAGE
SECTION - A 1. Introduction to Legal System of Pakistan	10%
SECTION-B BUSINESS LAWS 2. The Contract Act, 1872 3. Sale of Goods Act, 1930 4. Partnership Act, 1932 5. Negotiable Instruments Act, 1881 6. TRIPS and TRIMS	60%
SECTION- C INDUSTRIAL LAW 7. Industrial Relations Act, 2008 8. West Pakistan Industrial and Commercial Employment (Standing Order) Ordinance, 1968. 9. Factories Act 1934 / Workmen's Compensation Act 1923 10. Social Security Ordinance, 1965	30%
TOTAL	100%

Note: The weightage shown against each section indicates, study time required for the topics in that section. This weightage does not necessarily specify the number of marks to be allocated to that section in the examination.

SECTION -A

1. Introduction to Legal System in Pakistan

- a. Definition and sources of law
- b. Interpretation of Statutes (Acts and Ordinances)
- c. Structure of Subordinate and Superior Courts
- d. Legal Maxims

CONTENTS

LEGAL MAXIMS

1.1 Maxims expressing fundamental legal principles;

- a) Ubi jus ubi remedium – There is no wrong without a remedy.
- b) Ignorantia Facit Excusat - Ignorantia Juris Non Excusat – Ignorance of fact excuses, Ignorance of law does not

1.2 Maxims Relating to the Mode of Administering Justice.

- a) No man is to be a judge in his own cause.

1.3 Maxims Relating to Property.

- a) Nexo Dat Quod non Habet - No one gives what he does not possess.
- b) Sic utere tus utalienum non laedas - Enjoy your own property in such a manner as not to injure that of another person.

1.4 Maxims Relating to Contracts & Torts

- a) Caveat Emptor - Let the Buyer Beware.
- b) Ex turpi causa non oritur actio / Ex dolo malo non oritur actio - A contract founded upon an illegal or immoral consideration cannot be enforced.
- c) Respondeat Superior – Let the principal be held responsible.

1.5 Maxims Expressing Rules Founded on Public Policy

- a) Salus populi est suprema lex – Regard for the public welfare is the highest law.
- b) Vigilantibus, Non Dormientibus jura Subveniunt - The law assists those who are vigilant, not to those who sleep over their rights.

SECTION- B

BUSINESS LAWS

2. The Contract Act, 1872

Difference between Contract and agreement; Void, voidable and enforceable agreements; Elements/ingredients of a contract; proposal; acceptance and revocation; void agreements; Free consent, Coercion, Undue Influence, Fraud, Mistake, Misrepresentation; flaws in capacity; quasi – contracts; contingent contracts; contracts which must be performed; time and place for performance; performance of reciprocal promises, appropriation of payments; contracts which need not be performed; anticipatory breach of contract; actual breach of contract; remedies of breach of contract; doctrine of frustration; various discharges of contracts; Bailment; contract of indemnity and guarantee; Principal and agent; creation of agency; kinds of agents; duties and rights of an agent; duties and rights of principal scope, extent and kinds of agent's authority; liabilities of principal to third party; personal liability of agent to third party; termination of agency.

3. Sale of Goods Act, 1930

Contract of sale and its kinds; formalities of the contract of sale; subject matter of contract of sale; the price, conditions and warranties; transfer of property as between seller & buyer; the Doctrine of “nemo dare

potest quod non-habet” and its exceptions; the Doctrine of “caveat emptor”, performance of the contract of the sale; rights of un-paid seller; suits for breach of the contract of sale; auction sale.

4. Partnership Act, 1932

Essentials and the nature of partnership; kinds of partnership; general duties of partners; qualified duties of partners; rights of partners; liabilities of partners; the Doctrine of implied authority; the Doctrine of holding out; admission of a minor to the benefits of partnership; re-constitution of a firm (incoming & outgoing partners); modes of dissolution of a firm; registration of firm; effect of non-registration.

5. Negotiable Instruments Act, 1881

Promissory note; bill of exchange; cheques; inland instruments; foreign instruments; ambiguous instruments; inchoate stamped instruments; parties to negotiable instruments; liabilities of parties; negotiation of instruments and its kinds; presentment of instruments; discharge from liabilities on negotiable instruments; presumptions as to negotiable instruments.

6. TRIPS and TRIMS

Laws relating to TRIPS and TRIMS including intellectual property rights, Trade marks Act and Copy Right Act.

6.1 Introduction

- a) Concept of Intellectual Property
- b) Intellectual Property Rights
- c) Necessity of Intellectual Property Rights Protection
- d) International Intellectual Property Organizations
- e) Future of Intellectual Property Rights

6.2 Intellectual Property Rights Laws in Pakistan

- a) The Copyright Ordinance, 1962
- b) The Registered Designs Ordinance, 2000
- c) The Registered Layout-Designs of Integrated Circuits Ordinance, 2000
- d) The Patents Ordinance, 2000
- e) The Trade Marks Ordinance, 2001
- f) The Merchandise Marks Act, 1889
- g) The Trade Marks (Invalidation and Summary Registration) Act, 1950
- h) The Electronic Transaction Ordinance, 2002
- i) Section relating to infringement of Trade, Property and other Marks in the Pakistan Penal Code, 1860.

6.3 International Treaties, Agreements Conventions, Protocols And Regulations, Etc. (Only Introduction)

SECTION- C

INDUSTRIAL LAW

7. Industrial Relations Act, 2008

Trade unions; workers' participation and dispute resolution, labour courts, National Industrial Relations Commission; authorities, decisions, settlements and awards, penalties and procedures, causation and remoteness of damage.

8. Standing Order

West Pakistan Industrial and Commercial Employment (Standing Order) Ordinance, 1968.

9. Factories Act 1934 / Workmen's Compensation Act 1923:

Provisions regarding health and safety, working hours including rest intervals, working holidays and overtime, employment of women and children etc. Workman's Compensation Act 1923, provisions regarding definitions, employers' liability for compensation, amount of compensation, methods of calculating wages, review, commutation and

distribution of compensation, report of fatal accidents, and medical examination etc.

10. Social Security Ordinance, 1965.

Provincial Social Security Ordinance 1965: provisions, regarding definitions, amount and payment of contributions, records and returns, benefits including sickness and maternity benefits, death grants, disablement pension etc.

Recommended Books

CORE READINGS		
TITLE	AUTHOR	PUBLISHER
Business Law	M.C. Kuchhul	Vikas Publishing House, New Delhi.
(A Manual of) Mercantile Law	M. C. Shukla	S. Chand & Co., Ram Nagar, New Delhi 110055, India.
Bare Acts	Govt. of Pakistan	Publications Division, Govt. of Pakistan.
Mercantile Law	Luqman Baig	Ghanzanfar Academy Pakistan, 30, Urdu Bazar Karachi
Mercantile and Industrial Laws in Pakistan	Prof. Dr. Khawaja Amjad Saeed	Institute of Business Management, G.P.O. Box No. 1164, Lahore.
Labour Code	M. Shafi / P. Shafi	Bureau of Labour Publications, 8, Business Centre, Mumtaz Hasan Road, P.O. Box 5833, Karachi – 74000.
ADDITIONAL READINGS		
Elements of Mercantile Law	N.D. Kapoor	Sultan Chand & Sons, New Delhi.
Mercantile Law and Industrial Law	Q. A. Wadud	Sun-rise Publishing Qazi Villa, A/17-2-B, National Cement, Housing Society, Rashid Minhas, Road, Gulshan-e-Iqbal Karachi 75300.
The Intellectual Property, Intellectual Property laws in Pakistan and international Treaties on IPRs	G.M. Chaudhry Chaudhry M. Zafar Iqbal	Federal Law House, Main Plaza, Chandni Chowk, Murree Road, Rawalpindi.
Broom's Legal Maxims	Herbert Broom	Sweet and Maxwell London & Pakistan Law House, Karachi.
Handbook of Legal Terms & Phrases Judicially Defined.	M. Ilyas Khan	Pakistan Law House, Karachi.

