



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

PROGRAMME: B.A. LL.B (HONS).FYIC

DETAILS OF COURSE OFFERED

ODD SEMESTER (I) - ACADEMIC YEAR

SL. NO	COURSE CODE	COURSE TITLE	L	T	P	CR	CH
1	BL105	LAW RELATING TO CONTRACTS IN INDIA	4 PER WEEK	1 PER WEEK		4	

A. CODE AND TITLE OF THE COURSE: BL105, LAW RELATING TO CONTRACTS IN INDIA

B. COURSE CREDIT : 4 (TOTAL MARKS 200)

C. MEDIUM OF INSTRUCTION: ENGLISH

D. COURSE COMPILED BY: MONMI GOHAIN

E. COURSE INSTRUCTOR: MONMI GOHAIN

1. COURSE OBJECTIVES

The Course content of paper on Law relating to Contracts in India consists of Sections 1-75 relating to general law of contract, Sections 124-147 relating to Indemnity and Guarantee, Sections 148-181 relating to bailment and pledge, Sections 182-238 relating to agency of the Indian Contract Act, Law relating sale of goods and partnership and Specific Relief Act 1963 as ammended in october 2018. The main aim of the course is designed to equip the students with essentials of each section of the Indian Contract Act 1872 and others legislations as mentioned by way of breaking the language of the section and then analysing it and interpreting it. This process provides the student with proper understanding of the section and develops the skill to apply these sections to the fact situations of life.

The aim and objectives of the course curriculum are the followings:

1. To inform the students about the frontier areas of law on contract and specific reliefs, law relating to sale of goods and law relating to partnerships in India.
2. To update and keep them abreast of legal developments on Indian Contract Act, Specific Relief Act, Sale of Goods Act and Partnership Act
3. To make the students understand the sections enumerated in Indian Contract Act and Specific Relief Act, Sale of Goods Act and Partnership Act and further to inculcate in them the skill to analyze the sections and interpret these.
4. To make them understand the case laws on contract specific relief and special contracts and then to apply these laws to the present day fact situations.
5. To equip them with the knowledge of the Doctrines and Principles of law of contracts, specific relief and special Contracts provided in the Statutes.

2. TEACHING METHODOLOGY

The teaching methodology for the above subject will be aim at gaining maximum

theoretical as well as practical knowledge about the above subject. Different methods will be used which will help the students to be engaged in the subject apart from classroom teaching. The engagement of the students in the teaching learning process will be helpful for both the student and the teacher to carry on with the subject. It will be in the form of class room teaching and explanation of basic concepts by the teacher. It will also consists of assignment of seminar topics to the students, presentation assignment to the students , group discussiuons, organization of quiz etc.

3. EXPECTED OUTCOMES OF THE COURSE

After completion of completion of the course the students are expected to learn the following:

- a. In-depth knowledge about both the theoretical as well as the practical aspect of the course
- b. Take up research topics in the further study in the course
- c. Take up assignments related to the course which they might come across while doing internships and other activities.
- d. Organize various research and practical based activities realted to the subject after completion of the course.

4. COURSE EVALUATION METHOD

The course evaluation method for the above subject is given as under

Internal Assessment: 70% (140 marks)

Semester End Examination: 30% (60 marks)

Sl. No.	Marks Distribution	
1	Project Work	40 marks
2	Seminar/Group Discussion	20 marks
3	Assignment/Assessment	30 marks
4	Mid-Semester Test	40 marks

5	Attendance in class	10 marks
6	Semester End Examination	60 marks

5. DETAILED STRUCTURE OF THE COURSE:

MODULE 1

Law relating to formation of Contract and consideration

Offers, Agreements and Contracts ,Offer and Invitation to Treat, Standard Form of Contracts, Communication, Acceptance , Revocation of Proposal and Acceptance by post, Mobile and E Commerce, Consideration , Doctrine of Privity of Contract , Doctrine of Privity of Consideration ,Position of the Doctrine in India and England,

Law relating to Capacity to contract and Consent and void agreements

Capacity of Minor to Contract, Age of Majority , Nature of a Minor’s Agreement ,Legal Position of a Person of Unsound Mind ,Persons Otherwise “Disqualified from Contracting” and Person Under Legal Disability ,Minority in the English Law, Doctrine of Promissory Estoppel, Definition of consent and Free Consent, Factors Vitiating Free Consent, Law relating to Void Agreements

MODULE II

Law relating to law of Unlawful Agreements

Unlawful Considerations and Unlawful Objects and its various grounds ,Conditional Contract, Event Collateral to Contract, Contingent Contracts

Law relating to Performance of Contract:

Contracts which must be Performed and by whom, Time and Place for Performance, Performance of Reciprocal Promises, Application of Payment, Contracts which need not be performed.

Law relating to Discharge of Contract and remedies for Breach of Contract:

Definition and Modes of Discharge of Contract, Theories of Frustration of Contract, Theory of Effects of Frustration, Definition and theory Relating to Quasi Contract, Certain relations resembling those created by contract. Damages, Remoteness of Damages and Measure of Damages, Liquidated Damages and Penalty.

MODULE III

Specific Relief Act, 1963

Measuring and Nature of Specific Reliefs, Recovery of Possession of Property, Specific Performance of Contracts, Rectification of Instruments, Rescission of Contracts, Cancellation of Instruments

Law relating to Indemnity and Guarantee:

Contract of Indemnity and guarantee, rights and liabilities of the indemnity holder, rights and duties of Surety, Modes of Discharge of Surety,

Law relating to Bailment and Pledge:

Essentials of Bailment and Pledge, Rights and duties of Bailor and Bailee, Right of the Finder of goods, Rights and duties of pawnor and pawnee

MODULE IV

Law relating to Agency:

Essential Features of contract of Agency, Rights and duties an Agent, Delegation of Authority, Rights and duties of undisclosed principal of an Agent, Effects of Ratification, Termination of Agency

The Sale of Goods Act, 1930:

Formation and essentials of a Contract of Sale, The Rule of the Caveat Emptor, conditions and warranties, Definition of an "Unpaid Seller" Rights and duties of the Unpaid Seller, remedies for breach of contract of buyer and seller, Suits by buyer and seller

The Indian Partnership Act, 1932:

Definition and modes of partnership, Rights and Duties of partners inter-se, Relations of Partners to third parties, Minor as a partner, Rights of the Outgoing Partner, Dissolution of a Firm, Modes of Dissolution, Registration of firms

6. PRESCRIBED READINGS:

1. S.S. Srivastava, LAW OF CONTRACT I&II, 4th Ed. 2011.
2. Avtar Singh, CONTRACT & SPECIFIC RELIEF, 10th Ed. 2008. Reprinted, 2010.
3. Robert Duxbury, "CONTRACT LAW", Sweet And Maxwell, South Asian Edition, London, 2013
4. P S.Narayan,"LAW OF SPECIFIC RELIEF," Asia Law House, Hyderabad, 8th Ed, 2013.
5. Linda Mulchary," CONTRACT LAW IN PERSPECTIVE", Routledge Publication, 5thed , 2014
6. V. Kesava Rao," CONTRACT I: CASES AND MATERIALS", Lexis Nexis Butterworth's, 2014
7. Micheal Firmstone,"THE LAW OF CONTRACT", Lexis Nexis Butterworth's, 2014
8. Kailash Rai,"CONTRACT I" Central Law Publications, Allahabad, 2nd Ed. 2009
9. Neil Andrews," CONTRACT LAW", Cambridge University Press, London, 1st Ed. 2011
10. P S.Narayan,"LAW OF SPECIFIC RELIEF," Asia Law House, Hyderabad, 8th ed, 2013.
11. Linda Mulchary," CONTRACT LAW IN PERSPECTIVE", Routledge Publication, 5thed.2014
12. V. Kesava Rao," CONTRACT I: CASES AND MATERIALS", Lexis Nexis Butterworth's, 2014
13. Micheal Firmstone,"THE LAW OF CONTRACT", Lexis Nexis Butterworth's,
14. Avtar Singh, CONTRACT & SPECIFIC RELIEF , 10th ed. 2008. Reprinted, 2010 (*Contract of Indemnity*), pp. 583-589; (*Guarantee*), pp. 590- 659.
15. Pollock & Mulla, THE INDIAN CONTRACT ACT AND SPECIFIC RELIEF ACTS, 14th ed. 2013, (*Contract of Indemnity*), pp.1335-1352; (*Guarantee*), pp. 1353-1459.

16. S.S. Srivastava, LAW OF CONTRACT I&II, 4th ed. 2011, (*Indemnity and Guarantee*), pp. 253-277.
17. A.C. Moitra," LAW OF CONTRACT AND SPECIFIC RELIEF ACT", 6th ed., 2012, (*Indemnity*),pp. 948-957; (*Guarantee*),pp. 957-1058.
18. R.L. Meena, "LAW OF CONTRACT", 2008,(*Indemnity*),pp. 315-316; (*Guarantee*),pp.316-338.
19. D.S. Chopra," CASES AND MATERIALS ON CONTRACT LAW AND SPECIFIC RELIEF", 1st ed., (*Indemnity*),pp.260-262, (*Guarantee*),pp.264-280.
20. Chitty," LAW OF CONTRACTS", Volume III, 13th ed.,(*Surety ship*)pp.44-131.
21. P.S. Narayan," LAW OF SPECIFIC RELIEF", 8th ed., 2011, (*Contract of Indemnity*), pp.1067-1068, (*Guarantee*),pp.1068-1079.
22. Avtar Singh, CONTRACT & SPECIFIC RELIEF, 10th ed. 2008. Reprinted, 2010 (*Bailment*), pp. 660-701; (*Pledge*), pp. 702- 723.
23. Pollock & Mulla, THE INDIAN CONTRACT ACT AND SPECIFIC RELIEF ACTS, 14th ed. 2013, (*Bailment*), pp.1481-1553; (*Bailment of Pledges*), pp. 1558- 1600.
24. S.S. Srivastava, LAW OF CONTRACT I&II, 4th ed., 2011, (*Bailment*), pp. 278-290;(*Bailment of Pledges*), pp.291-295.
25. A.C. Moitra," LAW OF CONTRACT AND SPECIFIC RELIEF ACT", 6th ed., 2012, (*Bailment*),pp.1059-1108, (*Bailment of Pledges*), pp. 1108-1137.
26. R.L. Meena, "LAW OF CONTRACT",2008, (*Bailment*),pp.340-361,(*Pledges*),pp.362-369.
27. D.S. Chopra," CASES AND MATERIALS ON CONTRACT LAW AND SPECIFIC RELIEF", 1st ed. (*Bailment*),pp. 280-298, (*Bailment of Pledges*), pp.303-312.
28. P.S. Narayan," LAW OF SPECIFIC RELIEF", 8thed., 2011, (*Bailment*),pp.1079-108
29. Avtar Singh, CONTRACT & SPECIFIC RELIEF , 10th ed. 2008. Reprinted, 2010 (*Agency*), pp. 724-830.
30. Pollock & Mulla, THE INDIAN CONTRACT ACT AND SPECIFIC RELIEF ACTS, 14th ed. 2013, (*Agency*), pp.1601-1825.
31. S.S. Srivastava, LAW OF CONTRACT I&II, 4th ed. 2011, (*Agency*), pp. 296-329.

32. P.S. Narayan, "LAW OF SPECIFIC RELIEF", 8th ed., 2011(Agency), pp.1088-1102.
33. A.C. Moitra, "LAW OF CONTRACT AND SPECIFIC RELIEF ACT", 6th ed., 2012, (Agency), pp.1138-1288.
34. R.L. Meena, "LAW OF CONTRACT", 2008, (Agency), pp.370-424.
35. Chitty, "LAW OF CONTRACTS", Vol III, (Agency), para 31-164.

SATUTORY REFERENCES

- a. Indian Contract Act, 1872 (Act No. 9 of 1872) (Sections 1-75)
- b. Specific Relief Act, 1963
- c. Indian Contract Act, 1872 (Act No. 9 of 1872) (Sections 124-147)
- d. Indian Contract Act 1872 (Act No.9 of 1872) (Sections 148-181)
- e. Indian Contract Act (Act No.9 of 1872) (Sections 182-238)
- f. Indian Contract Act 1872 (Act No.9 of 1872) (Sections 239-269)
- g. Indian Partnerships Act 1932 (Act No.9 of 1932)
- h. The Limited Liability Partnership Act, 2008 (Act No.6 of 2009)
- i. Sale of Goods Act, 1932 (Act no. 3 of 1930)

LAW COMMISSION REPORTS:

- a. 13th Report (1958) on "*Contract Act*".
- b. 103 Report (1984) on "*Unfair terms in Contract*".
- c. 119 Report (2006) on "*Unfair (Procedural and Substantive) terms in Contract*".
- d. 108 Report (1984) on "*Promissory Estoppel*."
- e. 97th Report (1984) On "*Section 28, Indian Contract Act, 1872: Prescriptive Clauses In Contracts*."
- f. 7th Report (1957) on "*Partnership Act 1932*".
- g. 13th Report (1958) on "*Contract Act*".
- h. 112 Report (1985) on "*Section 45 of Insurance Act, 1938*".
- i. 8th Report (1958) on "*Sale of Goods Act 1930*".

CASE LAWS:

Upton Rural District Council v Powell.	(1942) 1 All ER 220
Lalman Shukla v Gauri Datt	(1913) 11 All LJ 489
Williams v Carwardine	(1833) 4 B & Ad 621.
Rose and Frank Co v JR Crompton & Bros Ltd	(1925) AC 445.
Balfour v Balfour.	(1919) 2 KB 571
Jones v Padavatton.	(1969) All ER 616
Meritt v Meritt.	(1970) 2 All ER 760
Mc Gregor v Mc Gregor.	(1888) 21 QBD 424

Simpkins v Pays.	(1955) 3 All ER 10
CWT v Abdul Hussain Mulla Md Ali.	(1988) 3 SCC 562
Banwari Lal v Sukhdarshan Dayal.	(1973) 1 SCC 294
Weeks v Tybald.	(1605) 75 ER 982
Carlill v Carbolic Smoke Ball Co.	(1893) 1QB 256
Harbhajan Lal v Harcharan Lal.	AIR 1925 All 539
Tinn v Hoffmann.	(1873) 29 LT 271

Harvey v Facey.	(1893) AC 552
Mc Pherson v Appana.	AIR 1951 184: 1951 SCR 161
ikanda Biswal v Bhubaneshwar Development Authority .	AIR 2006 Ori 36

Moses v Macferlan	(1760) 2 Burr 1005
Sinclair v Braougham	(1914) AC 398
Munni Bibi v Triloki Nath	(1913) 54 All 140
Damodara Mudaliar v Secy of State for India	(1894) 18 Mad 88

Chikham Amiraju v Chikham Sheshamma	
Williams v Bayley	(1866) LR 1 HL 200
Lancashire Loans Ltd v Black	(1934) 1 KB 380
Chand Singh v Ram Kaur	(1987) 2 Punj LR 70
Raghunath Prasad v Sarju Prasad	AIR 1924 PC 60
Shubash Chandra Das v Ganga Prasad	AIR 1967 SC 878
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Oriental Bank Corporation v John Fleming	(1879) 3 Bom 242
Edgington v Fitzmaurice	(1885) 29 Ch D 459

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Gauri Shankar v. Moolchand	AIR 1958 MP 415
Bhagwandass v. State of Madhya Pradesh	AIR 1966 MP 95
Moss v. Hancock	(1878) 2 QB 111
Hooper v. Gumm	(1867) LR 2 CR 282
R v. White	(1853) 6 Cox 213
Harhandrai v. Pragdas	AIR 1923 PC 51
Gangasaran v. Ramchandra Gopal	AIR 1952 SC 9
Hilas and Co. Ltd v, Acros Ltd	(1932) All ER Rep 494
Howell v. Coupland	9 QBD 462
Amarnath Nikkuram v. Mohansingh Surjan Singh	AIR 1954 MP 134
Grant v. Australian Knitting Mills	1936 AC 85
Mackenzie and Co. v. Nagendra Nath	ILR (1946) 1 Cal 225
Kishan Chand v. Ram Pratap	(1923) 2 KB 500 CA
Navin Chandra v Yogendra Nath	AIR 1967 All 293
Startup v MacDonald	(1843) 6 Man & G. 593
Demby Hamilton v Burden	(1949) 1 All ER 435
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Devi Lal v Himat Ram	AIR 1973 Raj 39

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With v O' Flanagan	(1936) 1 All ER 727
Derry v Peek	(1889) 14 App Cas 337
Haji Ahmad Yarkhan v Abdul Ghani Khan	AIR 1937 Nag 270
Boulton v Jones	(1857) 2 H.& N. 564
Philips v Brooks	(1919) 2 KB 243
Ingram v Little	(1961) 1 QB 198
Banarsi Das v Shakuntala	AIR 1989 Del 184
Ram Sewak v Ram Charan	AIR 1983 All 177
Jai Ram v Kanha Ram	AIR 1963 HP 3
Union of India v Amar Singh	(1960) 2 SCR 75
Sales Tax Officer, Banaras v Kanhaiya Lal Mukund Lal Saraf	1959 SCR 1350
Charter v Sullivan	(1854) 9 Ex 340
Ram Kumar v Lakshmi Narayan	AIR 1947 Cal 157
Victor Laundry(Windsor) Ltd v Newman Industries Ltd	(1949) 2 KB 528 CA
Pannalal Jankidas v Mohanlal	AIR 1951 SC 144
Hochester v De La Tour	Court of Queen's Bench,1853

Frost v Knight	(1872) LR 7 Exch 111
White & Carter(Council) Ltd v McGregor	(1962) AC413
Sumpter v Hedges	(1898) 1QB673 CA
Murlidhar Chatterjee v International Film Co.	AIR 1943
Harnanai v Pragdas	AIR 1923 PC 54
Ranchoddas v Nathumal	51 Bom L 491
Harbaksh Singh Gill v v Ram Ratan	AIR 1988 P&H 60
Bashir Ahmed v Government of Andhra Pradesh	AIR 1952 All 506
R.Vellammal v R Daivasigamani	AIR 1959 Mad 283
Jamal v Moola Dawood Sons & Co	ILR (1916) 43 Cal 493

Pooley v. Driver	(1876) 5 Ch. D. 458
Smith v. Anderson	(1880) 15 Ch. D. 247
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The Registrar of Firms, Societies and Non Trading Corporation, West Bengal v. Tarun Manna	AIR 2010 Cal. 7 JC(DB)
Sathappa Chetti v. Subramaniam Chetty	(1818) 1 Swan 495
Thomas v. Atherton	(1878) 10 Ch. D. 185
Dunne v. English	(1874) LR 18 Eq 524
Dawood v. Shaikh	1938 Mad.5.
Dugdale v Lovering	(1875) 10 CP 196
Adamson v. Jarvis	(1827) 4 Bing 66
Shefeild Corporation v. Barclay	(1905) AC 392
Secretary of State v. Bank of India	(1938) 175 1C 327(PC)
New India Assurance Co Ltd v. State Trading Corporation of India	AIR 2007 Guj 517(NOC)
Gajanan Moreswar v. Moreswar Madan	AIR 1942 Bom 302
Osman Jamal & Sons Ltd v. Gopal Purushottam	1928 ILR 56 Cal 262
Delhi Electrical Supply Undertaking v. Basanti Devi and Another	AIR 2000 SC 43
Loon Karan v. John & Co.	AIR 1967 All 308
Dingale v. Hare	(1859) 7 CBNS 145
Freeman and Lockyer v. Buckhurst Park Properties	(1964) 2 QB 480
Bharat Petroleum Corporation Ltd, Mumbai v. M/s Aman Autos & Others	2008(5) ADJ 584
Calico Printers Association v. Barclays Bank	(1931) 145 LT 51 CA
Pannalal Janki Das v. Mohanlal	AIR 1951 SC 144
Green v. Barlett	(1863) 14 CB(NS) 681
Saraswati Devi v. Motilal	AIR 1928 Raj 108
Lloyd v. Grace Smith and Co.	(1912) AC 716
State Bank of India v. Shyma Devi	AIR 1978 SC 1263
Gokal and Company Ltd v. The Assistant Collector	AIR 1960 SC 595
Commissioner for the Port of Calcutta v. General Trading Co.	AIR 1964 Cal 290
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