



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM

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

DETAILS OF THE COURSE OFFERED

ODD SEMESTER (III) – ACADEMIC YEAR

SL. NO	COURSE CODE	COURSE TITLE	L	T/P	CR	CH
1.	305	SPECIAL CONTRACT	4 PER WEEK	1 PER WEEK	4	

A. CODE AND TITLE OF THE COURSE: 305, SPECIAL CONTRACT

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 objective of this course is to familiarize the students with the in depth knowledge of law related to special contracts which is inclusive of law of partnerships and sale of goods in India. This course of study will deal primarily with the legal implications of special contracts from jurisprudential standpoint as well from application point of view. They also have to study about special contracts from its historical perspective. The course is intended to make students understand the legislative provisions pertaining to special contracts, partnerships and sale of goods .The students are required to make a comprehensive studies of various legal provisions relating to indemnity, guarantee, bailment , pledges, principal and agent relationship, law relating to partnership and sales of goods.

The course will emphasize upon the detailed study of legal provisions pertaining to enforcement of special contracts, partnership and sale of goods so that it can be helpful for the students in field of litigation in the near future.

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. COURSE OUTCOMES

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

- In-depth knowledge about both the theoretical as well as the practical aspect of the course
- Take up research topics in the further study in the course
- Take up assignments related to the 2course which they might come across while doing internships and other activities.

- Organize various research and practical based activities related to the subject after completion of the course.

4. COURSE EVALUATION METHOD

The course shall be assessed for 200 marks. The Evaluation Scheme would be as follows:

Internal Assessment: 70% (140 marks)

External Assessment: 30% (60 marks)

Sl. No.	Internal Assessment	
1.	Assignments (written or in presentation mode) (2 Assignments of 20 marks each)	40 marks
2.	Seminar/Group Discussion (topics will be announced by concerned course teacher)	20 marks
3.	Class Tests (twice in a semester)	2x 35 = 70 marks
4.	Attendance in class	10 marks
5	Semester End Examination	60 marks

5. DETAILED STRUCTURE OF THE COURSE (SPECIFYING COURSE MODULES AND SUB-MODULES)

MODULE I

Law relating to Indemnity and Guarantee:

Definition and Nature of the Contract of Indemnity, Commencement of Liability, Rights of the Indemnity Holder, Definition, Essentials of the Contract Of Guarantee, Extent of a Surety's Liability, Modes of Discharge of Surety, Rights of the Surety.

Law relating to Bailment and Pledge:

Definition, Actual or Constructive Delivery, Essential Features of Bailment, Duties of a Bailor, Duties of a Bailee, Rights of the Finder of Goods, Rights of a Bailee, Bailee's

Right of Lien, General Lien, Particular Lien, Essentials of pledge, Rights of Pawnee, Pledge by Whom, Pawnor's Right to Redeem.

MODULE II

Laws relating to Agency:

Agents and Principal:

Definition of an "Agent", Test for Determining an Agency, Essential Features of an Agency, Creation of an Agency, Duties of an Agent, Delegation of Authority, Rights of an Agent, Scope of an Agents, Authority, Rights and Liabilities, Of the Undisclosed Principal, Personal Liability of Agent, Effects of Ratification, Determination of Agency.

MODULE III

Laws relating to Sale of Goods:

The Sale of Goods Act, 1932:

Formation of a Contract of Sale, Definition, Essentials of a Sale, Distinction Between a Sale and an Agreement to Sell, Distinction Between a Sale and a Hire-Purchase Agreement, The Rule of the Caveat Emptor, conditions and warranties, Stipulations as to Time, Implied Conditions, Implied Warranties, Definition of an "Unpaid Seller" Rights of the Unpaid Seller, Right of Lien, Stoppage in Transit, Right of Resale, Right to Withhold Delivery, remedies for breach of contract, Suits by the Seller Against the Buyer, Suits by the Buyer against the Seller, Remedies Available to both the Buyer and the Seller

MODULE IV

Laws relating to Partnership:

The Indian Partnership Act, 1932:

Nature of Partnership, Meaning and Definition of partnership, Mode of determining existence of Partnership, Partnership at will, Particular Partnership Rights and Duties of partners inter-se, Partnership Property, Relations of Partners to third parties, Minor as a partner, Rights of the Outgoing Partner, Dissolution of a Firm, Modes of Dissolution, By agreement, Compulsory Dissolution, Contingent Dissolution, By notice, By Court, Consequences of dissolution, Registration of firms,

6. PRESCRIBED READINGS:

- Avtar Singh, CONTRACT & SPECIFIC RELIEF , 10th ed. 2008. Reprinted, 2010 (*Contract of Indemnity*), pp. 583-589; (*Guarantee*), pp. 590- 659.
- Pollock & Mulla, THE INDIAN CONTRACT ACT AND SPECIFIC RELIEF ACTS, 14th ed. 2013, (*Contract of Indemnity*), pp.1335-1352; (*Guarantee*), pp. 1353- 1459.
- S.S. Srivastava, LAW OF CONTRACT I&II, 4th ed. 2011, (*Indemnity and Guarantee*), pp. 253-277.
- A.C. Moitra,” LAW OF CONTRACT AND SPECIFIC RELIEF ACT”, 6th ed., 2012, (*Indemnity*),pp. 948-957; (*Guarantee*),pp. 957-1058.
- R.L. Meena, ”LAW OF CONTRACT”, 2008,(*Indemnity*),pp. 315-316; (*Guarantee*),pp.316-338.
- D.S. Chopra,” CASES AND MATERIALS ON CONTRACT LAW AND SPECIFIC RELIEF”, 1st ed., (*Indemnity*),pp.260-262, (*Guarantee*),pp.264-280.
- Chitty,” LAW OF CONTRACTS”, Volume III, 13th ed.,(*Surety ship*)pp.44-131.
- P.S. Narayan,” LAW OF SPECIFIC RELIEF”, 8th ed., 2011, (*Contract of Indemnity*), pp.1067-1068, (*Guarantee*),pp.1068-1079.
- Avtar Singh, CONTRACT & SPECIFIC RELIEF, 10th ed. 2008. Reprinted, 2010 (*Bailment*), pp. 660-701; (*Pledge*), pp. 702- 723.
- Pollock & Mulla, THE INDIAN CONTRACT ACT AND SPECIFIC RELIEF ACTS, 14th ed. 2013, (*Bailment*), pp.1481-1553; (*Bailment of Pledges*), pp. 1558- 1600.
- S.S. Srivastava, LAW OF CONTRACT I&II, 4th ed., 2011, (*Bailment*), pp. 278-290;(*Bailment of Pledges*), pp.291-295.
- A.C. Moitra,” LAW OF CONTRACT AND SPECIFIC RELIEF ACT”, 6th ed., 2012, (*Bailment*),pp.1059-1108, (*Bailment of Pledges*), pp. 1108-1137.
- R.L. Meena, ”LAW OF CONTRACT”,2008, (*Bailment*),pp.340-361,(*Pledges*),pp.362-369.
- D.S. Chopra,” CASES AND MATERIALS ON CONTRACT LAW AND SPECIFIC RELIEF”, 1st ed. (*Bailment*),pp. 280-298, (*Bailment of Pledges*), pp.303-312.
- P.S. Narayan,” LAW OF SPECIFIC RELIEF”, 8thed., 2011, (*Bailment*),pp.1079-108

- Avtar Singh, CONTRACT & SPECIFIC RELIEF , 10th ed. 2008. Reprinted, 2010 (Agency), pp. 724-830.
- Pollock & Mulla, THE INDIAN CONTRACT ACT AND SPECIFIC RELIEF ACTS, 14th ed. 2013, (Agency), pp.1601-1825.
- S.S. Srivastava, LAW OF CONTRACT I&II, 4th ed. 2011, (Agency), pp. 296-329.
- P.S. Narayan,” LAW OF SPECIFIC RELIEF”, 8th ed., 2011(Agency), pp.1088-1102.
- A.C. Moitra,” LAW OF CONTRACT AND SPECIFIC RELIEF ACT”, 6th ed., 2012, (Agency), pp.1138-1288.
- R.L. Meena, ”LAW OF CONTRACT”, 2008, (Agency), pp.370-424.
- Chitty,” LAW OF CONTRACTS”, Vol III, (Agency), para 31-164.

STATUTORY REFERENCES:

Indian Contract Act, 1872	(Act No. 9 of 1872) (Sections 124-147)
Indian Contract Act 1872	(Act No.9 of 1872) (Sections 148-181)
Indian Contract Act	(Act No.9 of 1872) (Sections182-238)
Indian Contract Act 1872	(Act No.9 of 1872) (Sections 239-269)
Indian Partnerships Act 1932	(Act No.9 of 1932)
The Limited Liability Partnership Act, 2008	(Act No.6 of 2009)
Sale of Goods Act 1930	(Act no. 3 of 1930)

Law Commission Report:

- 7th Report (1957) on “*Partnership Act 1932*”.
- 13th Report (1958) on “*Contract Act*”.
- 103 Report (1984) on “*Unfair terms in Contract*”.
- 112 Report (1985) on “*Section 45 of Insurance Act, 1938*”
- 119 Report (2006) on “*Unfair (Procedural and Substantive) terms in Contract*”.
- 8th Report (1958) on “*Sale of Goods Act 1930*”.

JUDICIAL REFERENCES:

Pooley v. Driver	(1876) 5 Ch. D. 458
Smith v. Anderson	(1880) 15 Ch. D. 247
Mallow Marc& Co v. Court of Wards	(1872) L.R. 2 CP 419
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 7	AIR 1978 SC 1263
Gokal and Company Ltd v. The Assistant Collector	AIR 1960 SC 595

Commisioner for the Port of Calcutta v. General Trading Co.	AIR 1964 Cal 290
Commisioner of Income Tax v. Bhopal Textiles Ltd	AIR 1961 SC 426
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