

SARDAR PATEL UNIVERSITY
Programme & Subject: BA LLB
Semester: I
Syllabus with Effect from: June - 2009

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| Paper Code: IL - 104 | Total Credit: |
| Title Of Paper: Law of Contract | |

| Unit | Description in Detail | Weightage (%) |
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| | <p>General Principles of Law of contract History and nature of contractual obligations Agreement and contract: definitions, elements and kinds. Proposal and acceptance- their various forms, essential elements, communication and revocation- proposal and invitations for proposal- floating offers- tendersdumping of goods. Consideration - its need, meaning, kinds, essential elements - nudum pactum - Privity of contract and of consideration- its exceptions- adequacy of consideration, present, past and adequate consideration- unlawful consideration and its effects -views of Law Commission of India on consideration- evaluation of the doctrine of consideration. Capacity to contract- meaning- incapacity arising out of status and mental Defect- minor's agreements- definition of 'minor'- accessories supplied to a minoragreements beneficial and detrimental to a minor - affirmation- restitution in cases of minor's agreements- fraud by a minor- agreements made on behalf of a minor minor's agreements and estoppels- evaluation of the law relating to minor's agreements- other illustrations of incapacity to contract. Free consent- Its need and definition- factors vitiating free consent. Coercion- definition- essential elements- duress and coercion- various Illustrations of coercion- doctrine of economic duress- effect of coercion Undue Influence- definition- essential elements- between which parties can it exist? Who is to prove it? Illustrations of undue influence- independent advice pardanashin women- unconscionable bargains – effect of undue influence. Misrepresentation - definition - misrepresentation of law and of fact- their effects and illustration. Fraud - definition - essential elements - suggestion falsi-suppresio veri – when does silence amounts to fraud? Active- concealment of truth - importance of intention. Mistake - definition - kinds- fundamental error - mistake of law and of fact - their effects - when does a mistake vitiate free consent and when does it not vitiate free consent? Legality of objects : Void agreements - lawful and unlawful considerations, and objects – void, voidable, illegal and unlawful agreements and their effects. 1Unlawful considerations and objects: Forbidden by law Defeating the provision of any law Fraudulent Injurious to person or property Immoral</p> | |



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| | <p>Against public policy</p> <p>Void Agreements:</p> <p>Agreements without consideration</p> <p>Agreements in restraint of marriage</p> <p>Agreements in restraint of trade- its exceptions- sale of goodwill, section 11 restrictions, under the partnership Act, trade combinations, exclusive dealing agreements, restraints on employees under agreements of service.</p> <p>Agreements in restraint of legal proceedings- its exceptions.</p> <p>Uncertain agreements</p> <p>Wagering agreement - its exception.</p> <p>Discharge of a contract and its various modes.</p> <p>By performance- conditions of valid tender of performance- How? By whom? Where? When? In what manner? Performance of reciprocal promises- time as essence of contract.</p> <p>By breach - anticipatory breach and present breach.</p> <p>Impossibility of performance- specific grounds of frustration- effect of frustration- frustration and restitution.</p> <p>By period of limitation</p> <p>By agreement- rescission and alteration - their effect- remission and waiver of performance - extension of time- accord and satisfaction.</p> <p>Quasi-contracts or certain relations resembling those created by contract</p> <p>Remedies in contractual relations</p> <p>Damages-kinds-remoteness of damages- ascertainment of damages</p> <p>Injunction- when granted and when refused- Why?</p> <p>Refund and restitution</p> <p>Specific performance- When? Why?</p> | |
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Basic Text & Reference Books:-

- Mulla on Indian Contract Act (Student's Edition)
- Dutt on Contract
- Indian Contract Act and Specific Relief Act - Mulla & Pollock
- Law of Contract - Avtar Singh
- Elements of Mercantile Law - N.D. Kapoor
- Anson's Law of Contract
- Contract Act - P.R. Desai
- An Introduction to Law of Contract - Atiyah

