

**School of Law, HILSR
Jamia Hamdard**

Course Syllabus

Course Overview:

Course Title: Law of Contract – II

Course Code: BALLB – 205

Semester: Second

Credits: 4

Medium of Instruction/Assessment: English

Objectives of the Course:

This course is designed to introduce the students to some of the specific contracts that are pervasive and play a significant role in the day to day commercial transactions besides the law that governs them. Such specific contracts range from contracts of Indemnity and Guarantee to Bailment and Pledge and to Agency. The focus of the course would be to ingrain in the students a critical understanding of the context and importance of such contracts from an economic, social and legal perspective. The primary literature that the course uses includes Indian Contract Act, 1872, judgements of the courts in India, United Kingdom and United States of America, other relevant legal material and authoritative scholarship.

Learning Outcomes:

At the end of this course, students will be able to do the following:

1. Know the context and rationale of specific contracts of Indemnity, Guarantee, Bailment, Pledge and Agency.
2. Identify the principles and doctrines that guide such contracts.
3. Exhibit an understanding of the legal concepts involved in such contracts.
4. Determine what rights and duties parties acquire under such contracts.
5. Know the relation such specific contracts have with our day to day commercial activities and their impact on the social and economic front.

6. Know the circumstances under which performance of such contracts is required or excused.
7. Identify the situations that constitute breach of contract in such specific contracts and the remedies available for breach.
8. Interpret and construct the complex terms and conditions in a contract.

Assessment and Evaluation:

The course has a weightage of 100 marks. 75 % of the marks will be covered by the End Semester Examination; while as 25 % will constitute internal assessment to be done by the concerned instructor.

- (A) End Semester Examination:** There shall be ten questions in the Question paper with two from each unit. Students shall have to answer five questions in all selecting one from each unit.
- (B) Internal Assessment:** Students will be assessed and evaluated by the concerned teacher during the entire semester at regular intervals. This will be done by employing a wide range of methods including written tests, tutorials, term paper writing, presentations etc. Attendance of the students will also form a part of the internal assessment.

Course Outline:

The course is based on five units.

Unit - I

- Contract of Indemnity: Definition and concept of indemnity
- Rights of Indemnity holder on being sued
- Nature and extent of liability of indemnifier
- Commencement of liability

Unit - II

- Contract of Guarantee: Definition and Concept
- Basic Essentials of a valid contract of guarantee
- Difference between contract of guarantee and contract of indemnity
- Extent of Surety's liability, Continuing guarantee, Discharge of surety from liability, Rights of surety.

Unit - III

- Contract of Bailment: Definition and essentials.
- Rights and Duties of bailer and bailee
- Position of finder of goods.

Unit - IV

- Pledge: Definition and essentials.
- Rights and Duties of pawner & pawnee
- Pledge by certain specified persons

Unit - V

- Agency: Definition, Kinds of agents, Difference between agent and servant.
- Creation, termination and ratification of agency.
- Rights and Duties of agent and principal.

Readings:

The readings for the course are listed below. The first four are essential and are sufficient to meet the requirements of the course. Rest of the readings are recommended for an extensive study of the themes covered in the course.

1. Nilima Bhadbhade, *Pollock and Mulla on the Indian Contract and the Specific Relief Act*, Lexis Nexis India, Gurgaon (1999).
2. Dr. Avtar Singh: *Law of Contract & Specific Relief*, Eastern Book Company, Lucknow
3. Dr. R.K. Bangia: *Contract*, Allahabad Law Agency, Allahabad.
4. H. K. Saharay: *Dutt on Contract-The Indian Contract Act, 1872*, Eastern Law House, Kolkata.
5. J. Beatson, Andrew Burrows & John Cartwright: *Anson's Law of Contract*, Oxford University Press, London.
6. Michael P. Furmston: *Cheshire, Fifoot & Furmston's Law of Contract*, Oxford University Press, London.
7. G. H. Treitel: *The Law of Contract*, Sweet & Maxwell, London.
8. H. G. Beale and Joseph Chitty: *Chitty on Contracts: General Principles*, Sweet & Maxwell, London.
9. Stephen A. Smith, *Atiyah's Introduction to the Law of Contract*, Clarendon Law Series.
10. Venkoba Rao (revised by S. C. Srivastava): *Law of Agency*, LexisNexis India.