



SILVER OAK UNIVERSITY

Silver Oak Law College (019)

Programme Name: Five Years Integrated B.B.A.LL.B Programme

Subject Name: Law of Contract

Subject Code: 1190725102

Semester: I

Prerequisite:

1. Nil

Objective:

1. Every man in his day to day life from dawn to dusk makes a variety of contracts, Man's contract making activities increase with the increasing trade, commerce and industry. In a way living in a modern society would be impossible if the law did not recognize this contract making power of person.
2. This prompted Roscoe Pound to make his celebrated observation: "Wealth, in a commercial age, is made up largely of promises. In this sense India is also a "Promissory" Society.
3. The conferment and protection by the law of this contract making power of person gives them a considerable leeway to strike best bargain for the contract making person. In a way they are permitted to regulate and define their relations in a best possible manner they chose.
4. However, the contours of contractual relations in a feudal, colonial and capitalist society of pre-independence India cannot necessarily be the same in an independent and developing Indian society.
5. Whatever may be the nature of a given society, the contractual relations as are obtained in that society, are governed by certain principles which are more or less of a general and basic nature. In India these general principles are enacted in the form of the Indian Contract Act, 1972.
6. This course is designed to acquaint a student with the conceptual and operational parameters of these various general principles of contractual relations. Specific enforcement of contract is an important aspect of the law of contracts.
7. Analysis of the kinds of contracts that can be specifically enforced and the methods of enforcement forms a significant segment of this study.

Teaching Scheme:

Teaching Scheme				
L	T	P	Contact Hours	Credit
4	0	0	4	4

Content:

Unit No.	Contents	Teaching Hours	Weightage %
1	General Principles of Law of contract: 1.1 Agreement and contract definitions, elements and kinds Proposal, Communication and revocation – proposal and invitation for proposal – floating offers	18	25%

	1.2 Acceptance – their various forms, essential elements 1.3 Consideration –its need, meaning, kinds, essential elements 1.4 Capacity to Contract		
2	Capacity to contract & Free Consent: 2.1 Minor, Age of Majority, Nature of minor’s agreement & effects thereof, Accessories supplied to a minor, Agreement beneficial and detrimental to a minor. 2.2 Free consent –its need and definition, Effects of force, coercion & undue influence on contract 2.3 Mistake: definition – kinds- fundamental error mistake of law and of fact – their effects 2.4 Legality of objects: 2.4.1 Unlawful Agreements: Kinds and effects thereof 2.4.2 Void Agreements, Uncertain Agreements, Wagering Agreements, Illegal & Void Agreements	18	25%
3	Discharge of Contract & Quasi-Contracts: 3.1 Various modes of discharge of contract and effects thereof 3.2 Anticipatory Breach of Contract 3.3 Impossibility of performance – specific grounds of frustration –application to leases- theories of frustration – effect of frustration– frustration and restitution, by period of limitation 3.4 Rescission and alteration – their effect- remission and waiver of performance – extension of time – accord and satisfaction 3.5 Quasi-contracts or certain relations resembling those created by contracts, Quantum Meruit	18	25%
4	Specific Relief Act 4.1 Persons against whom specific enforcement can be ordered 4.2 Rescission and cancellation 4.3 Injunction: Temporary and Perpetual 4.4 Declaratory orders 4.5 Discretion and power of court	18	25%

Course Outcome:

Sr. No.	CO statement	Unit No
CO-1	Critical evolution of contract legislation along with the role of equity courts played in the progression of Contract law.	I
CO-2	Understanding of principles of contract, impart information enunciated in the Indian Contract Act.	II
CO-3	Knowledge to the students about formation, capacity and enforcement of agreements and contracts	III
CO-4	Expose students to the role of contract in the era of globalization and privatization and how to draft different legal contracts.	IV

Teaching & Learning Methodology: -

The various methods or tools follows by the faculties to teach the above subject are:

1. Articles and Publications.
2. Case Study
3. Case analysis

4. Land Mark Judgements
5. Recent Amendments
6. Newly Enacted Legislation

Books Recommended: - (minimum 3 books)

1. Beasten (Ed), Anson's Law of Contract
2. P. S. Atiya, Introduction to the Law of Contract (Clarendon Law Series)
3. Avtar Singh, Law of Contract, Eastern Lucknow
4. M. Krishnan Nair, Law of Contract,
5. R.K. Abichandani (ed), Pollock and Mulla on the Indian contract and the
6. Specific Relief Act, Butterworths Publication
7. Benerjee S.C. Law of Specific Relief, Universal
8. Anson, Law of Contract, Universal
9. Dutt on Contract, Universal
10. Anand and Aiyer, Law of Specific Relief, Universal.