

CORE COURSE 105: SPECIAL CONTRACT

Objectives of course:

This course is to be taught after the students have been made familiar with the general principles of contract in which the emphases is on understanding and appreciating the basic essentials of valid contract and on the existence of contractual relationship in various instances. Obviously a course on special contracts should initiate the students to different kinds of contracts with emphasis on the intricacies therein. This course also should provide an insight into the justification for special statutory provisions for certain kinds of contracts.

SYLLABUS:

1. Indemnity and Guarantee

- a. Indemnity : concept, Need for indemnity, definition
- b. Methods of creating indemnity obligations
- c. Commencement, Nature and extent of liability of the indemnifier
- d. Situations of various type of indemnity creations, Documents/
- e. agreements of indemnity, Nature of indemnity clauses
- f. 1.5 Guarantee : Concept, essentials for a valid guarantee contract
- g. Rights & Liabilities of Surety

2. Bailment, Pledge and Agency:

- a. Bailment : Essential Features, Rights & duties of Bailor & Bailee
- b. Pledge: Definition Rights and duties of Pawnee, who can pledge?
- c. Agency :
 - a. Definition, Essentials, kinds of agents, creation of Agency
 - b. Relations of Principal and Agent : Rights and duties of Agent
 - c. Relations of Principal with Third Parties
 - d. Methods of termination of Agency Contract
 - e. Liabilities of Principal and Agent before and after termination of Agency Contract

3. Sale of Goods Act:

- a. Contract of sale: Concept, Essentials, Implied Terms
- b. Rule of Caveat Emptor
- c. Conditions and Warranties
- d. Transfer of title and passing of risk
- e. various rules regarding delivery of goods
- f. Unpaid Seller and his rights

4. Partnership Act:

- a. Partnership : Nature, Scope, Definition, Kinds of Partnership
- b. Rights and duties of Partners, Liabilities of Partners
- c. Registration of Firm, Effect of non-Registration
- d. Dissolution of firm and its effects
- e. Liability of Partners under the Limited Liability Partnership Act

Suggested Reading

1. Beasten (Ed), Anson's Law of Contract
2. P. S. Atiya, Introduction to the Law of Contract (Claredon Law Series)
3. Avtar Singh, Law of Contract, Eastern Lucknow
4. G. C. Cheshire, and H. S. Fifoot and M. P. Formston Law Contract ELBS with
5. Butterworths.
6. M. Krishnan Nair, Law of Contract,
7. G.H. Trinel , Law of Contract Sweet & Maxwell
8. R.K. Abichandani (ed), Pollock and Mulla on the Indian contract and the Specific Relief Act, Butterworths Publication
9. Benerjee S.C. Law of Specific Relief, Universal
10. Anson, Law of Contract, Universal
11. Dutt on Contract, Universal
12. Anand and Aiyer, Law of Specific Relief, Universal.
13. Pollok and Mulla, Partnership Act, Butterworths Publication
14. Mulla on Sale of Goods Act