

Course Plan

Course Title: Contract – I	Course Code: 21 LB LC103,
Programme: B Com.LL.B.	Semester: II
Credits: 4	L-T-P: 3-1-0
ISA Marks: 50	ESA Marks: 50
Course Teacher: Dr.Sunitha.B.H	Date of Preparation: 21-02-2022
Course Plan Reviewer: Dr. Sunitha B H	Date of Review: 24-02-2022

Course Objective:

Contracts are at the basis of most transactions, especially transactions dealing with the property both movable and immovable and also services. Whether the transaction is in the ordinary course of life or in the electronic world (e-commerce), the general principles governing contracts remain the same. For this reason, it is very important to introduce the students to the basic principles governing contracts and lay a powerful foundation for their study of other transactional and related laws in subsequent semesters. It is designed to acquaint a student with the conceptual and operational parameters of these various general principles of contractual relations. Specific enforcement of contracts is an important aspect of the law of contracts. Analysis of the kinds of contracts that can be specifically enforced, and the method of enforcement forms a significant segment of this study.

Course Outcomes (COs):

1. Identify the general principles and doctrines that guide contracts in India.
2. Interpret and construct the complex terms and conditions in a contract.
3. Explain, distinguish and apply the fundamental concepts and principles of the law of contract.
4. Identify the relevant legal issues that arise in a given set of facts in the area of law of contract.

Course Teacher:

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5. Analyse the role of the state in regulating freedom of contract in order to understand the need for such interference and conversant with the principles of specific reliefs, remedies provided under the Act.

Mapping of Course Outcomes (COs) with Program Outcomes

Course Outcomes (COs)	Relevant Program Outcomes (POs)
CO -1	1, 11, 12
CO-2	11,12,13
CO-3	3, 10, 11
CO-4	2, 3, 11,13
CO-5	1, 2, 3, 11

Course Content

Unit Contents	Number of Sessions
Unit I	15
Unit II	15
Unit III	16
Unit IV	14
Unit V	15
Total	75

Course Teacher:

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Prescribed Text Books:

1. Pollock and Mulla, Indian Contract and Specific Relief Act, 14th Edition, New Delhi: Lexis Nexis, 2013.
2. Singh, Avtar, Law of Contract and Specific Relief, 11th Edition, Lucknow: Eastern Book Company, 2013.

References:

1. G. C. Cheshire and Fifoot, Law of Contract, 10th Edition, (New Delhi: Lexis Nexis, 2010)
2. William Anson, Law of Contract, 29th Edition, (Oxford University Press, 2010)
3. Chitty on Contract, 33rd ed, Volume 1, 2 & 2nd Supplement, General Principles, Sweet and Maxwell Ltd, 30 Nov 2020.
4. Markanda, P. C. The Law of Contract. 2 vol; New Delhi: Wadhwa and Company, 2006.
5. M. Krishnan Nair, Law of Contracts. Hyderabad: Orient Longman Private Limited, 1998.
6. S. C. Mitra, Law of Contracts. 2 vol; 2nd ed. New Delhi: Orient Publishing Company, 2005.
7. Atiyah, P. S., and Stephen A. Smith. Atiyah's Introduction to the Law of Contract. 6th ed. Oxford: Oxford University Press, 2007.
8. G. C. V. Subba Rao, Law of Specific Relief. 6th ed. New Delhi: Orient Publishing Company, 2005.
9. T.S. Venkatesa Iyer: Law of Contract, revised by Dr. V. Krishnama Chary, S. Gogia and Co., 1999.
10. R.K. Singh, Law relating to Electronic Contracts, Lexis Nexis, 2014.

Course Teacher:

Reviewer:

Unit Wise Plan

<p>Unit Number: I</p> <p>Formation of Contract, Agreement and Contract, Definitions, Classification, Offer and Acceptance, Unilateral, Standard Form Contracts, Invitation to Offer, Communication: Revocation, Essential elements, Consideration: <i>Nudum Pactum</i>, Essential elements, Privity of Contract and of Consideration, Exceptions.</p>	<p>Planned Sessions: 15</p>
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Unit Learning Outcomes

Unit Learning Outcomes	COs	BL
Explain various steps involved in formation of contract and state definitions of various terms under the Indian Contract Act, 1872	CO-3	BL-1
Identify difference between offer and invitation to offer and list essential elements of contract	CO-4	BL-3
Describe the concept of consideration, privity of contract, exceptions to consideration and unlawful consideration and its effect.	CO-4	BL-4

Course Teacher:

Reviewer:

Topic Wise Plan

Sl. No.	Topic	Number of Sessions	Pedagogy
1	Formation of Contract	1	Lecture Method
2	Agreement and Contract	1	Lecture Method
3	Definitions	1	Lecture Method
4	Classification	1	Discussion Method
5	Offer and Acceptance, Unilateral	2	Lecture Method
6	Standard Form Contracts	1	Lecture Method
7	Invitation to Offer	1	Lecture Method
8	Communication: Revocation, Essential elements	2	Discussion Method
9	Consideration: <i>Nudum Pactum</i> ,	1	Lecture Method
10	Essential elements	1	Discussion Method
11	Privity of Contract and of Consideration,	2	Lecture Method
12	Exceptions.	1	Lecture Method

Prescribed Reading(s) / Learning Resource(s)

- **Pollock & Mulla**, *Indian Contract & Specific Relief Act*, (14th edition, 2017)
- **Avatar Singh**, *Law of Contract and Specific Relief*, (12th edition, 2017)

Unit Wise Plan

Course Teacher:

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<p>Unit Number: II</p> <p>Capacity to Contract – Minor's Agreements and its effects – Agreement of Persons of unsound mind and Persons disqualified by Law, Consent- Free Consent – Coercion - Undue influence – Misrepresentation – Fraud – Mistake – Effects.</p>	<p>Planned Sessions:</p> <p>15 sessions</p>
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Unit Learning Outcomes

Unit Learning Outcomes	COs	BL
After the completion of the unit students will be able to determine the nature and legal effects of minor's agreements	CO-1	BL-5
Differentiate between coercion and undue influence, fraud and misrepresentation.	CO-3	BL-4
Explain the circumstances under which consent is said to be free.	CO-1	BL -5

Sl. No.	Topic	Number of Sessions	Pedagogy
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1.	Capacity to contract- sec 11 Sec 10- one of the essentiality 3 categories of persons	2	Lecture and Method
2.	Minor's agreements - nature and its legal effects - sec 11 & sec 3 of the Indian majority act Minor position in different enactments	4	Lecture Method Using Mind Map to teach minor's position in different enactment
3.	Persons of unsound mind- sec 12	1	Lecture Method
4.	Persons disqualified by law	1	Lecture Method
5.	Consent - sec 13 Free consent - sec 14	1	Lecture Method
6.	Coercion- sec 15	1	Lecture Method Using case study method to differentiate the similar concepts
7.	Undue influence - sec 16	1	Lecture Method
8.	Fraud - sec 17	1	Lecture Method
9.	Misrepresentation - sec 18	1	Lecture Method
10.	Mistake - sec 20,21,22	2	Lecture Method

Prescribed Reading(s) / Learning Resource(s)

- **Pollock & Mulla**, *Indian Contract & Specific Relief Act*, (14th edition, 2014)
- **Avatar Singh**, *Law of Contract and Specific Relief*, (13th edition, 2022)

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Unit Wise Plan

Unit Number: III	Planned Sessions:
Legality of Object – Void Agreements- restraint of marriage- restraint of trade- restraint of legal proceedings- ambiguous and uncertain agreement- wager agreement, Contingent Contracts, Quasi Contracts, E-contract, Contractual Ability - Electronic Documents, Digital signature.	16 sessions

Unit Learning Outcomes

Unit Learning Outcomes	COs	BL
After the completion of the unit students will be able to understand		
Elaborate the concept of void agreements and its exceptions	CO-1,3	BL-6
Distinguish the concept of void and voidable contracts	CO-1, 3	BL-4
Explain an agreement in restraint of trade is	CO-1,3	BL-5

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void and its exceptions		
Discuss the concept of <i>quasi</i> contract and its different types under the ICA 1872.	CO-3	BL-6
Analyse the rights and liabilities of finder of goods.	CO-4	BL-4
Evaluate the concept of E - contract and recent developments in the E- commerce	CO-5	BL-5

S.No.	Topic	Number of Sessions	Pedagogy
1.	Legality of object- sec 23 & 24 agreements against public policy	2	Lecture Method
2.	Agreement without consideration sec- 25 Restraint of marriage- sec 26	2	Lecture Method
3.	Restraint of trade and its exceptions -Sec 27	2	Lecture Method
4.	Restraint of legal proceedings- 28 Uncertain and ambiguous agreement -sec 29	2	Lecture Method
5.	Wagering agreements- its exceptions- sec 30	2	Lecture Method

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6.	Contingent contracts - sec 31-35	2	Lecture Method
7.	Quasi Contracts sec 68-72	2	Lecture Method
8.	E-contract, Contractual Ability - Electronic Documents, Digital signature	2	Lecture Method

Prescribed Reading(s) / Learning Resource(s)

- **Pollock & Mulla**, *Indian Contract & Specific Relief Act*, (14th edition, 2014)
- **Avatar Singh**, *Law of Contract and Specific Relief*, (13th edition, 2022)

<p>Unit Number: IV</p> <p>Modes of Discharge of Contracts, Time and place of performance, Performance of reciprocal promises, Appropriation of Payments, Discharge by Agreement, Operation of Law, Frustration, Impossibility of Performance and Breach of Contracts (Anticipatory and Actual), Remedies for Breach of Contracts, Damages: Kinds of damages, Remoteness of damages, Ascertainment of damages, Penalty and liquidated damages, Quantum merit.</p>	Planned Sessions: 15
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Unit Learning Outcomes

Unit Learning Outcomes	COs	BL
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Students are expected to explain the different modes of Discharge of Contract.	CO-1	BL-2
Students will know the concept of Frustration and various grounds for claiming frustration. Students will also analyse the implication of Covid-19 under Force Majeure and Legal Implications on Commercial Contracts.	C0-4	BL-4
Students would know the various remedies available in case of breach of contract and will be able to distinguish between the liquidated and unliquidated damages.	C0-3	BL-4

S.No.	Topic	Number of Sessions	Pedagogy
1.	Discharge of Contract by Performance. <i>#Performance of joint promises (S.42-45)</i> <i>#Time and place of performance (s.46-50)</i> <i>#Effect of failure to perform the contract in time (S.55)</i> <i>#Performance of reciprocal promises (S.51,52,57,58)</i> <i>#Appropriation of payments (S.59-61)</i>	C0-2	Lecture and Case Study Method
2.	Breach of Contract <i>#Anticipatory Breach of Contract (S.39)</i> <i>#Actual Breach</i>	C0-1	Lecture and Case Study Method

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3.	Discharge by Agreement and Novation <i># Novation</i> <i>#Alteration</i> <i>#Rescission</i> <i>#Restoring benefits received under void/voidable contract (S.64 & 65)</i> <i>#Discharge by Operation of Law</i>	C0-2	Lecture and Case Study Method
4.	Frustration <i>#Specific Grounds of Frustration</i> <i>#Cases not covered by Doctrine of Frustration</i> <i># Force majeure clause in Contract</i>	C0-3	Lecture, case study & Discussion
5.	Remedies for Breach <i>#Rescission and Damages</i> <i>#Specific performance and Injunctions</i> <i>#Quantum Meruit</i>	C0-2	Lecture and Case Study
6.	Damages for Breach <i>#Remoteness of damages</i> <i>#Unliquidated Damages (S.73)</i> <i>#Liquidated Damages (S.74)</i>	C0-2	Lecture and Case Study method
7.	Measure of Damages <i>#Damages are compensatory not penal</i> <i>#Mental pain and suffering</i>	C0-3	Lecture

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	<i>#Nominal damages</i> <i>#Exemplary or vindictive damages</i> <i>#Duty to mitigate</i>		
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Prescribed Reading(s) / Learning Resource(s)

- **Pollock & Mulla**, *Indian Contract & Specific Relief Act*, (14th edition, 2014)
- **Avatar Singh**, *Law of Contract and Specific Relief*, (13th edition, 2022)

Unit Wise Plan

Unit Number: V Equitable relief, The Specific Relief Act: Nature of Specific Relief, Recovery of Possession of movable and immovable Property, Specific performance when granted and not granted, Who may obtain and against whom? Discretionary remedy, Power of Court to grant relief, Rectification of instruments, Cancellation, Preventive relief, Temporary injunctions, Perpetual and Mandatory Injunctions.	Planned Sessions: 15
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Unit Learning Outcomes

Unit Learning Outcomes	COs	BL
Students will be able to understand and explain the underlining principles of law relating to specific relief in the light of decided cases.	CO-1	BL -2
To identify and apply the specific contractual	CO-2	BL -3

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reliefs available under the statute.		
To identify and apply different kinds of preventive reliefs.	Co-4	BL -3
To analyse the power of courts in granting specific reliefs.	CO-5	BL -3
To identify the ingredients of the substantive provisions of the Act and to analyse.	CO-2 and 3	BL -4

Sl.No.	Topic	Number of Sessions	Pedagogy
1	Equitable relief, The Specific Relief Act: Nature of Specific Relief	2	Lecture
2	Recovery of Possession of movable and immovable Property	1	Discussion and Lecture

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3	Specific performance when granted and not granted. Who may obtain and against whom? Discretionary remedy, Power of Court to grant relief.	3	Discussion and Lecture
4	Specific performance when granted and not granted, Who may obtain and against whom? Discretionary remedy, Power of Court to grant relief	2	Discussion and Lecture
5	Rectification of instruments, Cancellation, Preventive relief, Temporary injunctions, Perpetual and Mandatory Injunctions.	3	Discussion and Lecture
6	Revision	4	Discussion and Lecture

Prescribed Reading(s) / Learning Resource(s)

1. Pollock and Mulla, Indian Contract and Specific Relief Act, 14th Edition, New Delhi: LexisNexis, 2010.
2. Singh, Avtar, Law of Contract and Specific Relief, 11th Edition, Lucknow: Eastern Book Company, 2013.

Additional Reading(s) / Learning Resource(s)

1. R.K.Singh, Law relating to Electronic Contracts, LexisNexis, 2014.

Course Teacher:

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2. G. C. V. SubbaRao, Law of Specific Relief. 6th ed. New Delhi: Orient Publishing Company, 2005.
3. G. C. Cheshire and Fifoot, Law of Contract, 10th Edition, (New Delhi: Lexis Nexis, 2010)
4. William Anson, Law of Contract, 29th Edition, (Oxford University Press, 2010)
5. Chitty on Contract, 33rd ed, Volume 1, 2 & 2nd Supplement, General Principles, Sweet and Maxwell Ltd, 30 Nov 2020.
6. Markanda, P. C. The Law of Contract. 2 vol; New Delhi: Wadhwa and Company, 2006.
7. M. Krishnan Nair, Law of Contracts. Hyderabad: Orient Longman Private Limited, 1998.
8. S. C. Mitra, Law of Contracts. 2 vol; 2nd ed. New Delhi: Orient Publishing Company, 2005.
9. Atiyah, P. S., and Stephen A. Smith. Atiyah's Introduction to the Law of Contract. 6th ed. Oxford: Oxford University Press, 2007.
10. T.S. Venkatesa Iyer: Law of Contract, revised by Dr. V. Krishnama Chary, S. Gogia and Co., 1999.

Course Teacher:

Reviewer:

Industry/Professional Skills, Human Values, Service Learning

Industry/Professional Skills	To dissect the substantive provisions of the Act and analyse. Communication skills, problem solving, Critical thinking
Human Values	Honesty, Morality, Ethics, right conduct
Service Learning (if any)	

Evaluation Scheme for ISA

Assessment	Weightage in Marks
Mid-Term Exam	25
Teacher Chosen Assessment	25
Total	50

Teacher Chosen Assessment Method

Component	Details	Weightage
Assignment submission and Presentation	Students need to submit assignment on the topic selected by them and approved by the Course Teacher.	15 marks
Case study Presentation	Students will have to analyse a judgement under the Contract Act or Specific Relief Act and present it in the class.	5 marks
Attendance	96% and above- 5marks 91% to 95% - 4 marks	5 marks

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	86%-90% - 3 marks	
	81%- 85% - 2 marks	
	76%- 80% - 1 mark	

Course Teacher:

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Weightage of Course Outcomes

Course Outcomes (COs)	Weightage in Assessment
Identify the general principles and doctrines that guide contracts in India.	20 marks
Interpret and construct the complex terms and conditions in a contract	20 marks
Define, distinguish and apply the fundamental concepts and terminology of the Law of Contract.	20 marks
Identify the relevant legal issues that arise in a given set of facts in the area of Law of Contract.	20 marks
Analyse the role of the state in regulating freedom of contract in order to understand the need for such interference and conversant with the principles of specific reliefs, remedies provided under the Specific Relief Act.	20 marks
Total	100 marks

Course Teacher:

Reviewer: