

**School of Law, HILSR  
Jamia Hamdard**

**Course Syllabus**

**Course Overview:**

**Course Title:** Law of Contract – I

**Course Code:** BALLB – 105

**Semester:** First

**Credits:** 4

**Medium of Instruction/Assessment:** English

**Objectives of the Course:**

This course is designed to provide the students a strong foundation in the principles and doctrines that govern the contract law. Through this course, students will gain an understanding of the enforceability of agreements, formation of contracts, remedies available to the contracting parties in the event of breach, and so on and so forth. Its objective is also to critically analyse the doctrinal and policy tensions that shape contract law besides to lay the foundation for study of subjects grounded in contract law like corporate law, banking law, consumer law, competition law etc. 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 on the subject. Students will be encouraged to develop independent thinking and the ability to identify and analyse problematic issues within the law of contract.

**Learning Outcomes:**

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

1. Identify the principles and doctrines that guide the enforceability of agreements.
2. Exhibit an understanding of the legal terms and concepts in contract law.
3. Determine what rights a person acquires under a contract.
4. Know the circumstances under which performance of a contract is required or excused.
5. Identify the situations that constitute breach of contract and the remedies available for such breach.

6. 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**

- Rationale of Contracts
- Elements of a Contract
- Offer: Definition, Communication, Revocation, General and Specific offer, Cross and Counter Offer, Invitation to treat
- Acceptance: Definition, Communication, Revocation
- Intention to Create Legal Relationship/Obligations

### **Unit - II**

- Consideration: Definition and Essential Elements, Privity of Contract and Privity of Consideration, Past, Executed and Executory Consideration, Exceptions
- Capacity to Contract: Incapacity arising out of Status & Mental Defects, Nature of Minor's Agreement, Effect of Minor's Agreement, Doctrine of Restitution, Beneficial Contracts, Ratification of Minor's Agreement, Liability for necessaries, Persons of Unsound mind

### Unit - III

- Factors vitiating consent: Coercion, Undue Influence, Misrepresentation, Fraud and Mistake
- Void Agreements: Meaning, Agreement without Consideration, Agreement in Restraint of Marriage, Agreement in Restraint of Trade, Agreement in Restraint of Legal Proceedings, Wagering Agreements

### Unit - IV

- Legality of Object
- Discharge of Contract: Modes of Discharge, Performance, Impossibility of Performance - Doctrine of Frustration
- Standard Form Contracts

### Unit - V

- Remedies: Damages – remoteness and measure of damages, Specific Performance, Injunction, Quantum Meruit
- Quasi-Contracts

### **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.