

B.A.LL.B (Hons.) 5 YEARS INTEGRATED COURSE

SEMESTER-II

Course Code	BAL203
Course Title	Special Contract
Type of Course	Core
L T P	5 1 0
Credits	6
Course Prerequisites	12 th
Course Objectives (CO)	<p>As has already been examined in the last semester through an intensive study of the general principles of contract, the essence of all commercial transactions is but regulated by the law of contract. The expansion of commercial activities at a global market environment makes the understanding of the law of contract even more critical. Further, a lucid understanding of the fundamental principles of Special Contracts facilitates not only resolving the disputes arising out of such contracts but also in the drafting of contractual instruments. The law of Special Contracts is marked by the peculiar and mostly predictable legal relationship subsisting between the parties. The frequency of these kinds of transactions in the affairs of men has led to the development of established rules of prescriptions and prohibitions determining the implications and permissible possibilities of these kinds of contractual relations. The fundamental principles of contractual relations continue to apply the special forms of contract unless specifically excluded; as in case of the rule of consideration in case of contract of agency.</p>

UNIT-I

Contract of Indemnity- Definition and nature, Extent of liability (Sec 124-125)

Contract of Guarantee- Definition, Essential features of Guarantee, Extent of surety's liability, Discharge of surety from liability, Rights of surety (sec 126-147)

Bailment- Definition, Essential features of Bailment, Duty of bailor, Duties of Bailee,

Rights of Bailee (sec-148-171)

UNIT-II

Pledge- Definition, Rights of Pawnee, Pawnor's right to redeem, Who can pledge (sec173-179)

Agency- Definition, Essential of Agency, Kinds of Agents, Creation of Agency, Relations of Principal and Agent, Duties of Agent, Rights of Agent, Sub-Agent's Liability, Substituted Agent, Relations of Principal with third parties, Rights and liability of undisclosed principal, Personal Liability of Agent, Ratification, Termination of Agency (Sec- 182-209)

UNIT-III

SPECIFIC RELIEF ACT Specific Relief Act, 1963 (As amended by Act 47 of 2018)

Immovable Property (Ss. 5-6)

Movable Property (Ss. 7 and 8)

Contracts which can be specifically enforced, Performance in trust Specific performance of part of contract Rights of purchaser or lessee where seller's or lessor's title imperfect (Ss. 10 to 13)

Contracts which cannot be specifically enforced (Sec. 14-14 A)

Substituted performance of contracts (Section 20)

Special provisions for contract relating to infrastructure project, Special courts,

Expeditious disposal of suits, Power to award compensation or other relief, Liquidation of damages no bar to the relief of specific performance, bar of suit for compensation for breach after dismissal of suit for specific performance (Sections 20 A-24)

UNIT-IV

Rectification of Instruments (Sec. 26)

Rescission of Contracts (Ss. 27 to 30)

Cancellation of Instruments (Ss. 31 to 33)

Declaratory Decrees (Ss. 34 and 35)

Preventive Relief (Injunctions) (Ss. 36 to 42)

Suggested Readings:

- R.K. Bangia, Specific Relief Act, Allahabad Law Agency, Faridabad, 2017
- Avtar Singh, Law of Contract Specific Relief Act, Eastern Book Company, Lucknow,
12th Ed 2019 (Reprint)
- R.K. Bangia, Indian Contract Act-II, Allahabad Law Agency, Faridabad, 2018
- Anson, Law of Contract, Oxford University Press, New York, 2016
- Jill Poole, Textbook on Contract Law, Oxford University Press, New York, 14th ed.
2019
- Mulla, Indian Contract Act, Lexis Nexis, New Delhi, 15th Ed 2015
- Pollock and Mulla, Indian Contract, Lexis Nexis, Butterworth, London 15th Ed 2015
- Jill Poole, Casebook on Contract Law, Oxford University Press,
14th ed. 2019
- Neil Andrews, Contract Law, Cambridge University Press, 2011