

## LLM CORPORATE AND COMMERCIAL LAW

### FIRST SEMESTER

PAPERS CODE	PAPERS NAME	INTERNAL	EXTERNAL	TOTAL
LLM1001	Legal Theory	40	60	100
LLM1002	Constitutional Law of India :New challenges	40	60	100
LLM1003	Legal Research Methodology	40	60	100
LLM1004	Law and social Transformation in India	40	60	100
<b>Total</b>		<b>160</b>	<b>240</b>	<b>400</b>

### SECOND SEMESTER

PAPERS CODE	PAPERS NAME	INTERNAL	EXTERNAL	TOTAL
LLM-03	BANKING LAW	40	60	100
LLM-04	CORPORATE SOCIAL RESPONSIBILITY	40	60	100
LLM-05	INSURANCE LAW	40	60	100
LLM-06	CYBER LAW	40	60	100
<b>PRACTICAL</b>				
OO5	Practical	60	40	100
<b>Total</b>		<b>220</b>	<b>280</b>	<b>500</b>

### THIRD SEMESTER EXAMINATION

PAPERS CODE	PAPERS NAME	INTERNAL	EXTERNAL	TOTAL
LLM-07	LAW OF CONTRACTUAL OBLIGATIONS	40	60	100
LLM-08	CORPORATE LAW -II	40	60	100
<b>Total</b>		<b>80</b>	<b>120</b>	<b>200</b>

PAPERS CODE	PAPERS NAME	INTERNAL	EXTERNAL	TOTAL
OO6	Dissertation (equal to 2 papers)		200	200

	Total		200	200
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**FOURTH SEMESTER**



## **LEGAL THEORY**

### **UNIT - I**

Positivism - Relation between Law and Morality, Analytical Positivism, Imperative Theory of Law, Pure theory of Law, the concept of Law.

### **UNIT - II**

Historical and Sociological approach to Law: Theory of Volkgeist, Anthropological approach to law, purpose theory, living law theory, social engineering;

### **UNIT - III**

Post sociological approach realism, Justice Cardozo: Judicial process, Justice Holmes, critical legal studies, Feminist Philosophy; UNIT - IV

Justificatory theories in shaping the concept of Human Rights, Theology, Natural law and natural rights, Utilitarianism - Right based theory and collective rights;

### **UNIT - V**

Modern theories of Human Rights, Rawls Theory of Justice: Nozick - Ronald Dworkin, Right to Solidarity, Global Justice: meaning and application;

### **SUGGESTED READINGS :**

- I. Bodenheimer – Jurisprudence : The Philosophy and Method of Law
- II. Dennis Lloyd - Jurisprudence
- III. Dias – Jurisprudence
- IV. Friedman – Legal Theory
- V. G.W. Paton – Jurisprudence
- VI. Rawls: Theory of Justice
- VII. Robert Nozick – Anarchy, State and Utopia
- VIII. Ronald Dworkin – Taking Rights Seriously
- IX. S.C. Kashyap, Human Rights and Parliament (1978)
- X. Salmond – Jurisprudence
- XI. U. Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi.
- XII. Upendra Baxi, "Law, Democracy and Human Rights": 5 Lokayan Bulletin 4 (1987)
- XIII. V.D. Mahajan – Jurisprudence

## **CONSTITUTIONAL LAW OF INDIA AND NEW CHALLENGES**

### **UNIT – I**

Making of the Constitution :Demand for a Constitution framed by a Constituent Assembly;

The Cripps' offer of 1942; The Wavell Plan of 1945; The Cabinet Mission Plan, 1946; The Mountbatten Plan, 1947; The Indian Independence Act, 1947; Constituent Assembly in India and framing of the Constitution; Formation of the Constituent Assembly of India; The issues before the Constituent Assembly; Passing of the Constitution; Dr. B. R. Ambedkar's contribution in the making of the Constitution; Date of Commencement of the Indian Constitution; Concepts of Constitutional Law and Constitutionalism; Forms and characters of various models of Constitution; Salient features of the Constitution of India;

### **UNIT - II**

Preamble - Meaning of the Preamble; Object, Purpose and Scope of the Preamble; Contents of the Preamble; Utility of Preamble in interpretation of the Constitution; Whether Preamble is part of the Constitution?

Citizenship (Articles 5-11) including relevant provisions of Citizenship Act, 1955(Sections 3 – 10); Union & State Executive (Articles 52-78 & 152-167); Union Judiciary, State Judiciary & Subordinate Judiciary (Articles 124-147 & 214-237); Writs (Article 32); Union and its Territory (Articles 1-4); Union & State Legislature (Article 79-123 & 168-213);

### **UNIT - III**

Legislative Relations between Union and States (Articles 245-255); State: Creation and Demand of new states; Need for widening the definition of State in the wake of liberalization; Accountability of State: Joint Parliamentary Committee & Public Account Committee; Emergency Provisions (Articles 352-360); Amendment of the Constitution (Article 368) with special reference to the Basic Structure Theory. Temporary provision (Article 370): Reorganization of Articles 370 and 35-A by the Constitution (Application to Jammu and Kashmir) Order 2019 and Re-Organization of Jammu and Kashmir through The Jammu And Kashmir Reorganization Act, 2019. (Basic Concepts and Future Effects);

### **UNIT - IV**

Fundamental Rights; General (Articles 12 & 13); Right to Equality (Articles 14-18); Right to Freedom (Article 19); Fundamental Duties (Article 51A); Right to Freedoms (Articles 20-22)

Right against Exploitation (Articles 23 & 24); Freedom of Religion (Articles 25-28); Democratic Process-Grass Root Democracy: Democratic Decentralization and Local Self Government; Election: Mechanism and Procedure; Election Commission: Constitution and Status; Electoral Reforms: Transparency, Free, fair and fearless election; Coalition Government, Stability, Durability; Corrupt Practice; Nexus of politics with criminals and the business;

### **UNIT - V**

Cultural and Educational Rights (Articles 29 & 30); Right to property as constitutional

right (Articles 31A-31D & 300A); Right to Constitutional Remedies (Articles 32- 35A); Directive Principles of State Policy (Articles 36-51); Trade, Commerce and Intercourse within the Territory of India (Articles 301-307); Safeguards to Civil Servants (Articles 309-311); Public Service Commission's (Article 315-323); Election Commission (Articles 324-329);

**SUGGESTED READINGS :**

- I. Bakshi, P.M. : Constitution of India- 8th Edition, Universal Law Pub., 2017.
- II. Basu, D.D. : Introduction to the Constitution of India (English & Hindi)
- III. Basu, Durga Das : Shorter Constitution of India, 13th Edition, Wadhwa, 2012.
- IV. Constitution of India as amended up to-date
- V. Constitution (Application To Jammu And Kashmir) Order 2019
- VI. Granville Austin, Working of a Democratic Constitution- The Indian Experience, Oxford University Press.
- VII. H. M. Seervi, Constitutional Law of India, N.M. Tripathi.
- VIII. H.R. Khanna, Making of India's Constitution, Eastern Book Co., Lucknow Harper Collins Publication, India. 2019.
- IX. Jain, M.P. : Indian Constitutional Law- 5th Edition, Wadhwa, 2015.
- X. Kashyap Subhash C., Constitutional Law of India, Universal Law Publishing Co. Pvt. Ltd., 2015
- XI. M.P. Singh, V.N. Shukla's Constitution of India, Eastern Book Company, (2013).
- XII. Seervai, H.M. : Constitutional Law of India- 4th Edition, Universal Law Publishing Co. Pvt. Ltd., 2012.
- XIII. The Jammu and Kashmir Reorganisation Act, 2019 XIV. Various Amendments made to the Constitution of India

**LEGAL RESEARCH METHODOLOGY**

**UNIT - I**

Legal Education: Methods & Objective: Lecture Method of Teaching: Merits and Demerits; The problem method; Discussion method and its suitability at postgraduate level teaching; The seminar method of teaching; Examination system and problems in evaluation external and internal assessment; Student participation in law school programmes, organizations of seminars, publication of journal and assessment of teachers; Clinical legal education – legal aid, legal literacy, legal survey and law reform;

**UNIT - II**

Research Method:

Socio-Legal Research; Doctrinal and non-doctrinal research; Relevance of empirical research; Induction and deduction; Identification problem of research – what is a research problem; Survey of available literature and preparation of bibliography; Legislative materials including subordinate legislation, notification and policy statements;

**UNIT - III**

Research Materials:

Decisional materials including foreign decisions; methods of discovering the —rule

of the casell; Juristic writings: A Survey of juristic literature, its relevance in selection of problems in India and foreign periodicals; Compilation of list of reports or special studies conducted relevant to the problems; Formulation of the Research Problem, hypothesis; Devising tools and techniques for collection of data; Methods for the collection of statutory and case material and juristic literature; Use of historical and comparative research material; Use of observation studies; Use of the Case Studies; Use of questionnaires/interview; Sampling procedures, design of sample, types of sampling to be adopted; Use of scaling techniques; Jurimetrics; UNIT - IV

Data Collection:

Computerized Research: A study of legal research programmes such as lexis and West law coding; Classification and Tabulation of Data: use of cards for data collection, Rules for tabulation, Explanation of tabulated data; Analysis of Data – Qualitative and Quantitative;

#### **UNIT - V**

Report Writing; Research report & techniques of writing research work; Citation rules and modes of legal writing, Case Analysis, Impact of Decisions of the Court;

PAPER 1.5.(b)

**NON-DOCTRINAL RESEARCH AND VIVA-VOCE EXAMINATION (PRACTICAL)**  
(20 marks)

Here the students are asked to go out of the class room and library and make an empirical study of a problem which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The results are to be assessed internally by a designated faculty member who are engaging LL.M. Classes regularly;

#### **SUGGESTED READINGS:**

- I. High Brayal, Nigel Dunne and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London.
- II. S. K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
- III. M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978)
- IV. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc Graw-Hill Book
- V. Company, London
- VI. H. M. Hyman, Interviewing in Social Research (1965)
- VII. Payne, The Art of Asking Questions (1965)
- VIII. Erwin C. Surrency, B. Fielf and J. Crea, A Guide to Legal Research (1959)
- IX. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
- X. Harvard Law Review Association, Uniform System of Citations.
- XI. I.L.I. Publication, Legal Research and Methodology.

## **LAW AND SOCIAL TRANSFORMATION IN INDIA**

### **UNIT - I**

Law and Social Change: A Theoretical Perspective:

Relationship of Law with social change; Law as an instrument of social change; Law as the product of traditions & culture: Evaluation in the light of colonization & common law system; Impact of Social movements on social change.

Religion and the Law: Religion: Meaning, relationship with law; Religion as an integrative or divisive factor;

Secularism: meaning and its contribution in Indian society, Freedom of religion and non- discrimination on the basis of religion; Religious minorities and the law;

### **UNIT - II**

Languages and the Law:

Formation of linguistic States and its impact on policy in governance; Constitutional guarantees to linguistic minorities; Language policy and the Constitution: Official languages, multi language system; Non-discrimination on the ground of language.

Community and the Law: Caste System in Indian Society; Caste: Socio-Cultural reality as a divisive and integrative factor; Non-discrimination on the ground of caste; Acceptance of caste as a factor to undo past injustices: An Analysis; Protective discrimination: Scheduled Castes, Tribes and Backward Classes; Reservation Policy: Statutory Commission Statutory Provision;

### **UNIT - III**

Regionalism and the Law:

Regionalism: A Divisive or an integrative factor; Concept of India as one Unit; Freedom of movement, residence and business, impermissibility of state or regional barriers; Equality in matters of employment: the slogan 'son of the soil' and its practice; Admission to educational institutions: preference to residents of a State;

### **UNIT - IV**

Modernization and the Law:

Modernization as a value: Constitutional perspective reflected in Fundamental Duties; Modernization of Social Institution through Law; Reform of Family Law; Agrarian Reform; Industrial Reforms: Free Enterprise v. State Regulation, industrialization v environmental protection; Reform of Court Processes: i. Criminal Law : Plea Bargaining, Compounding & Payment of Compensation to Victim ii. Civil Law: (ADR) Confrontation iii. Consensus,

Mediation & Conciliation, Lok Adalats Women, Children and the Law:

Status of Women in Indian Society; Crimes against Women; Gender injustice: forms, causes and remedies; Women's Commission; Empowerment of Women: Constitutional and other legal provisions; Child Labour; Sexual Exploitation; Adoption, maintenance and related problems; Child and Education; UNIT - V

Alternative approaches to Law: Jurisprudence of Sarvodaya, Gandhiji, Vinoba Bhave, Jai Prakash Narain; Socialist thought on Law & Justice: An enquiry through Constitutional debates on the right to property; Indian Marxist Critique of Law & Justice; Naxalite movement: Causes & Cure;



**SUGGESTED READINGS:**

- I. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford.
- II. D.D. Basu, Shorter Constitution of India (1996), Prentice – Hall of India(P) Ltd., New Delhi.
- III. H.M. Seervai, Constitutional Law of India (1996), Tripathi.
- IV. India Law Institute, Law and Social Change: Indo-American Reflections, Tripathi (1988)
- V. J.B. Kripalani, Gandhi: His life and Thought, (1970) Ministry of Information and Broadcasting,
- VI. M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay
- VII. Manushi, A Journal about Women and Society.
- VIII. Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford.
- IX. Robert Lingat, The Classical Law of India (1988), Oxford.
- X. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (1997), Sage.
- XI. U. Baxi (ed.), Law and Poverty Critical Essays (1988), Tripathi, Bombay.
- XII. U. Baxi, The Crisis of the Indian Legal System (1982), New Delhi.

## **BANKING LAWS**

### **UNIT - I**

The Banking Regulation Act, 1949 As amended by The Banking Regulation (Amendment) Act, 2017; Objectives; Definition, Concept, Key Features of the Act and Amendments; Preliminary; Business of Banking Companies; Control Over Management; Supersession of Board of Directors of Banking Company; Prohibition of Certain Activities In Relation To Banking Companies; Acquisition of The Undertakings of Banking Companies In Certain Cases; Suspension of Business And Winding-Up of Banking Companies ; Special Provisions For Speedy Disposal of Winding Up Proceedings; Provisions Relating To Certain Operations of Banking Companies; Miscellaneous and Judicial Responses; UNIT - II

Reserve Bank of India Act, 1934, (As amended by the Finance Act, 2019): Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Amendments; Preliminary Incorporation, Capital, Management And Business; Central Banking Functions, Collection And Furnishing Of Credit Information; Provisions Relating To Non-Banking Institutions Receiving; Deposits and Financial Institutions; Prohibition Of Acceptance Of Deposits By Unincorporated Bodies; Regulation Of Transactions In Derivatives, Money Market Instruments, Securities, etc.; Joint Mechanism; Monetary Policy; General Provisions; Penalties and Judicial Responses;

### **UNIT - III**

The Deposit Insurance And Credit Guarantee Corporation Act, 1961: Need, Importance, Objectives; Definition, Concept, Key Features of the Act; Preliminary; Establishment and Management of the Deposit Insurance and Credit Guarantee Corporation; Registration of Banking Companies and Co-Operative Banks as Insured Banks and Liability of Corporation to Depositors; Credit Guarantee Functions; Funds, Accounts and Audit; Miscellaneous and Judicial Responses; UNIT - IV

The State Bank of India Act, 1955: Need, Importance, Objectives; Definition, Concept, Key Features of the Act; Preliminary; Incorporation and Share Capital of State Bank; Transfer of Undertaking of The Imperial Bank To State Bank; Shares; Management; Business of The State Bank Funds, Accounts And Audit; Miscellaneous and Judicial Responses;

### **UNIT - V**

Negotiable Instruments Act, 1881 Including The Negotiable Instruments (Amendment) Act, 2015 and The Negotiable Instruments (Amendment) Act, 2018: Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Amendments and Judicial Responses;

### **SUGGESTED READINGS\*:**

M.L. Tannan, Tannan's Banking Law and Practice in India (1997) India Law House, New Delhi, 2 Volumes.

ICSI, Banking and Insurance Law and Practice, Institute of Company Secretaries

of India, Taxmann Publishers, 2010.

K.C. Shekhar, & Lekshmi Shekhar, Banking Theory and Practice, Vikas Publishing House, 19<sup>th</sup> edition, 2005.

Jyotsana Sethi & Nishwar Bhatia, Elements of Banking and Insurance, PHI Publishers, 2nd edition, 2013.

Shriniwas Gupta Bhashyam & Adiga, The Negotiable Instruments Act (with Case-law on Dishonour of Cheques, Specimen Notices & Complaints), Bharat Law House, Delhi, 2018.

## **INSURANCE LAWS**

### **UNIT - I**

Historical Development of Insurance Law: Origin & History of Insurance in India, Definition & Working of Insurance, The Insurance Act, 1938 as amended by the Insurance Laws (Amendment) Act, 2015: Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Amendments Preliminary; Provisions Applicable To Insurers; Insurance Association of India, Council of the Association and Committees Thereof; Tariff Advisory Committee and Control of Tariff Rates; Solvency Margin, Advance Payment Of Premium And Restrictions on The opening of A New Place of Business; Provident Societies; Insurance Co-Operative Societies; Mutual Insurance Companies and Co-Operative Life Insurance Societies; Re-Insurance; Miscellaneous and Judicial Responses; UNIT - II

Insurance Regulatory and Development Authority of India Act, 1999: Need, Importance, Objectives; Definition, Concept, Key Features of the Act; Preliminary; Insurance Regulatory and Development Authority of India; Transfer of Assets, Liabilities, Etc., of Interim Insurance Regulatory Authority; Duties, Powers and Functions of Authority; Finance, Accounts and Audit; Miscellaneous and Judicial Responses;

### **UNIT - III**

The Life Insurance Corporation Act, 1956 Including The Life Insurance Corporation (Amendment) Act, 2011: Need, Importance, Objectives; Definition, Concept, Key features of the Act/Amendment, Preliminary; Establishment of Life Insurance Corporation of India; Functions of the Corporation; Transfer of Existing Life Insurance Business to The Corporation; Management; Finance, Accounts and Audit; Miscellaneous and Judicial Responses;

### **UNIT - IV**

The Public Liability Insurance Act, 1991: Need, Importance, Objectives; Definition, Concept, Key Features of the Act and Judicial Responses; The Marine Insurance Act, 1963: Marine Insurance; Insurable Interest; Insurable Value; Disclosure And Representations; The Policy; Double Insurance; Warranties, Etc.; The Voyage; Assignment of Policy; The Premium; Loss and Abandonment; Partial Losses (Including Salvage and General Average and Particular Charges); Measure of

Indemnity; Rights of Insurer on Payments; Return of Premium; Supplemental Provisions and Judicial Responses;

#### UNIT - V

Motor Vehicles Act 1988 (Including The Motor Vehicles Amendment Act, 2019): Need, Importance, Objectives; Definition, Concept, Key Features of the Act/Amendment,

Fault and No-Fault Liability of Driver and Owner; Concepts regarding Third Party; Driving Licenses; National and State Register of Driving Licenses; National Transportation Policy; Offences and Penalties, Powers and Jurisdiction of a Motor Accidents Claims Tribunal and Judicial Responses; SUGGESTED READINGS\*:

I.C.S.I., Banking and Insurance Law and Practice, Institute of Company Secretaries of India, Taxmann Publishers, 2010.

Jain, J.N., and R.N. Jain, Modern Banking and Insurance Principles and Techniques, Jain Book Depot., 2015.

Jyotsana Sethi & Nishwar Bhatia, Elements of Banking and Insurance, PHI Publishers, 2<sup>nd</sup> edition, 2013.

Murthy, K.S.N. and V. S. Sarma, Modern Law of Insurance in India, Lexis Nexis, 2013.

Rejda, G., Principles of risk management and insurance. (12th edition.), Pearson, 2014.

Singh, Bridge Anand, New Insurance Law, Union Book Publishers, Allahabad, 2000.

Sreenivasan M.N., Principles of Insurance Law, Ramaniya Publishers, Bangalore, 2007.

## **CYBER CRIMES**

#### UNIT - I

Introduction to Cyberspace, Cybercrime and Cyber Law: Regulatory Framework of Information and Technology Act 2000; Offences and Penalties; The World Wide Web; Web Centric Business; e-Business Architecture, Models of E-Business, E-Commerce, Threats to Virtual World; Cyber Crimes: Difference between Traditional Crime and Cyber Crimes; Classification of Cyber Crimes: Against Person, Property and Government; Reasons for growth of Cyber Crimes; UNIT - II

Kinds of Cyber Crimes: Cyber Squatting, Cyber Espionage, Cyber Warfare, Cyber Terrorism, Online Safety for Women and Children, Misuse of Private Information; Hacking; Digital Forgery; Cyber Stalking/Harassment; Cyber Pornography; Identity Theft & Fraud; Cyber Defamation Viruses (File Infectors, Boot Record Infectors, Boot and File Viruses); Web Jacking; Denial of Service Attack;

#### UNIT - III

Cyber Crime: Overview, Internal and External Attacks, Attack Vectors; Cyber Crimes Against Individuals; E-mail Spoofing and Online Frauds, Phishing and its Forms,

Spamming, Cyber Bullying, Computer Sabotage, Pornographic offenses, Password Sniffing; Keyloggers and Screen-loggers; Cyber Crimes against Women and Children; UNIT - IV

Cyber Crimes Against Organization: Unauthorized Access of Computer, Denial-of-service (DOS) attack, Backdoors and Malwares and its types, E-mail Bombing, Salami Attack, Software Piracy, Industrial Espionage, Intruder attacks; Security Policies Violations, Crimes related to Social Media, A.T.M., Online and Banking Frauds. Intellectual Property Frauds;

UNIT - V

Cyber Crime and Cloud Computing: Different Types of Tools Used in Cybercrime, Password Cracking; Online attacks, Offline attacks, Remote attacks, Random Passwords, Strong and weak passwords. Viruses and Its Types; Ransom-ware and Crypto-currencies; DoS and DDoS attacks and their types; Cyber Criminal Syndicates and Nation State Groups

SUGGESTED READINGS\*:

Nina Godbole and Sunit Belapore; —Cyber Security: Understanding Cyber Crimes, Computer Forensics and Legal PerspectivesII, Wiley Publications, 2011.

Shon Harris, —All in One CISSP, Exam Guide Sixth EditionII, McGraw Hill, 2013.

Bill Nelson, Amelia Phillips and Christopher Steuart; —Guide to Computer Forensics and InvestigationsII, 3rd Edition, Cengage, 2010 BBS.

Atul Jain; —Cyber Crime: Issues, Threats and ManagementII, 2004.

MajidYar; —Cybercrime and SocietyII, Sage Publications, 2006.

Michael E Whiteman and Herbert J Mattord; —Principles of Information SecurityII, Vikas Publishing House, New Delhi, 2003.

Matt Bishop, —Computer Security Art and Sciencell, Pearson/PHI, 2002.

Karnika Seth; —Computers, Internet and New Technology LawsII, Lexis Nexis Buttersworth Wadhwa, 2012.

Pavan Duggal; —Cyber Law – The Indian Perspectivell, Saakshar Law Publications, 3rd ed., 2009

William Stallings; —Cryptography and Network Security: Principles and PracticesII, Fifth Edition, Prentice Hall Publication Inc., 2007.

## **LAW OF CONTRACTUAL OBLIGATIONS**

### **UNIT - I**

Genesis, Philosophy and Importance of Contracts in a Commercial Developing Society; Subjective and Objective Theories; Role of Intention and Consent; Lassize-Faire Theory and its Dilution; Doctrine of Natural Justice and Contractual Obligations; Doctrine of Estoppel,

Doctrine of Restitution, Doctrine of Unjust Enrichment; Formation of Contract: Agreement:

Proposal and Acceptance; Essential Elements, Communication and Revocation, Proposal and

Invitation to Proposal, Standing Proposals, Tenders and Auction Sale; Contract, Role of

Intention to Create Legal Relations, Standards Forms of Contract;

Judicial Interpretations;

Position in India; Consideration: Nudum Pactum; Its Need, Meaning and Essential; Adequacy

of Consideration, Privity of Contract, its Exceptions and Consideration;

Past, Executed and

Executory Consideration, Consideration and Promissory

Estoppel; UNIT - II

Essentials of Valid Contract; Competent Parties; Position of Minor in Creating Contractual

Obligation, Consequences of Minor's Agreement and Ratification; Contract by a Person of

Unsound Mind – Legal Effects; Other Legal Disabilities; Free Consent; Meaning and Scope;

Vitiating Elements; Coercion, Fraud, Misrepresentation, Undue Influence and Mistake,

Distinction between Fraud and Innocent Misrepresentation, Coercion and Duress, Mistake of

Law and Mistake of Fact, Common, Mutual and Unilateral Mistake, Remedies Available

When Agreement Is Vitiating By Mistake; Essentiality of Consideration with Exceptions;

Legality of Objects and Consideration;

### **UNIT - III**

Unlawful Consideration and Objects; Concept of Immoral and Public Policy, Heads against

Public Policy; Unlawful Agreements and their Effects; Void Agreements, Agreement in

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Restraint of Marriage, Agreement in Restraint of Trade, Agreement in Restraint of Legal

Proceedings, Uncertain Agreement and Wagering Agreements; Void and voidable

contracts:

their Effects  
Contingent Contract: Meaning and Scope, Reciprocal Promises; Discharge of

Contract: Meaning and Modes of Discharge; Performance and Tender; Place and Time of

Performance, Time as Essence of Contract, Performance of Joint Promises; Discharge by

Agreement; Novation, Remission of Performance, Accord and Satisfaction; Discharge by

Impossibility of Performance and Frustration: Nature and Scope of the Doctrine of Impossibility, Specific Grounds of Impossibility; UNIT - IV

Restitution; Quasi – Contracts or Certain Relation Resembling Those Created by Contract;

Breach of Contract and Remedies; Meaning of Breach and Anticipatory Breach; Damages;

Meaning and Nature, Kinds, Rule in Hadley. Baxendale: Remoteness of Damages; Contract

of Indemnity: Definition and Nature, Distinction between Indemnity and Guarantee, Rights

of the Indemnity Holder; Contract of Guarantee– Definition and Scope, Specific and Continuing Guarantee, Creditors Right against Principal Debtor and Surety, Discharge of

Surety, Surety's Rights against the Principal Debtor and Co-surety. Principal of Contribution

by Co-Surety

UNIT - V

Bailment: Definition and Essential Features, Bailment for Regard and Gratuitous Bailment,

Right and Duties of Bailor and Bailee; Finder of Lost Goods; Rights and Duties of Finder;

Rights and Liabilities of Owner; Pledge: Definition, Nature and Scope; Who can Pledge,

Rights and Duties of Pawnor and Pawnee; Kinds of Agents: Factory, Brokers, Auctioneers,

Del-Credere Agents, etc.; Agency: Nature, Distinction from Other Transactions; Contractual

Basis of Agency; Modes of Creation of Agency – Express, Implied, Ratification by Operation

of Law; Scope of Agent's Authority, Rights and Liabilities of the Agent as Against Principal

and Third Party; Rights and Liabilities of Principal and Third Party as against each other and

as against Agent; Delegation by Agent; Sub Agent and Substituted Agent; Distinction and



Legal Effects; Termination of Agency, Modes of Termination, Agency Coupled with Interest;

**SUGGESTED READINGS\*:**

Anson, Law of Contract, Oxford University Press, New York, 2016

Atiyah P.S.: An Introduction to the Law of Contract, Clarendon Law Series, OUP, 2006

Avtar Singh, Law of Contract, 12th ed., Eastern Book Company, Lucknow, 2019 (Reprint)

Avtar Singh, Law of Contract, (Hindi) 12th ed., Eastern Book Company, Lucknow, 2019

(Reprint)

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

Neil Andrews, Contract Law, Cambridge University Press, 2011

Pollock & Mulla: Indian Contract and Specific Relief Act, Lexis Nexis 2019

## **LAW OF CONTRACTUAL OBLIGATIONS**

### **UNIT - I**

Genesis, Philosophy and Importance of Contracts in a Commercial Developing Society; Subjective and Objective Theories; Role of Intention and Consent; ***Lassize-Faire*** Theory and its Dilution; Doctrine of Natural Justice and Contractual Obligations; Doctrine of Estoppel, Doctrine of Restitution, Doctrine of Unjust Enrichment; Formation of Contract: Agreement: Proposal and Acceptance; Essential Elements, Communication and Revocation, Proposal and Invitation to Proposal, Standing Proposals, Tenders and Auction Sale; Contract, Role of Intention to Create Legal Relations, Standards Forms of Contract; Judicial Interpretations; Position in India; Consideration: ***Nudum Pactum***; Its Need, Meaning and Essential; Adequacy of Consideration, Privity of Contract, its Exceptions and Consideration; Past, Executed and Executory Consideration, Consideration and Promissory Estoppel;

### **UNIT - II**

Essentials of Valid Contract; Competent Parties; Position of Minor in Creating Contractual Obligation, Consequences of Minor's Agreement and Ratification; Contract by a Person of Unsound Mind – Legal Effects; Other Legal Disabilities; Free Consent; Meaning and Scope; Vitiating Elements; Coercion, Fraud, Misrepresentation, Undue Influence and Mistake, Distinction between Fraud and Innocent Misrepresentation, Coercion and Duress, Mistake of Law and Mistake of Fact, Common, Mutual and Unilateral Mistake, Remedies Available When Agreement Is Vitiating By Mistake; Essentiality of Consideration with Exceptions;



Legality of Objects and Consideration;

### **UNIT - III**

Unlawful Consideration and Objects; Concept of Immoral and Public Policy, Heads against Public Policy; Unlawful Agreements and their Effects; Void Agreements, Agreement in Restraint of Marriage, Agreement in Restraint of Trade, Agreement in Restraint of Legal Proceedings, Uncertain Agreement and Wagering Agreements; Void and voidable contracts: their Effects Contingent Contract: Meaning and Scope, Reciprocal Promises; Discharge of Contract: Meaning and Modes of Discharge; Performance and Tender; Place and Time of Performance, Time as Essence of Contract, Performance of Joint Promises; Discharge by Agreement; Novation, Remission of Performance, Accord and Satisfaction; Discharge by Impossibility of Performance and Frustration: Nature and Scope of the Doctrine of Impossibility, Specific Grounds of Impossibility;

### **UNIT - IV**

Restitution; Quasi – Contracts or Certain Relation Resembling Those Created by Contract; Breach of Contract and Remedies; Meaning of Breach and Anticipatory Breach; Damages; Meaning and Nature, Kinds, Rule in Hadley. Baxendale: Remoteness of Damages; Contract of Indemnity: Definition and Nature, Distinction between Indemnity and Guarantee, Rights of the Indemnity Holder; Contract of Guarantee– Definition and Scope, Specific and Continuing Guarantee, Creditors Right against Principal Debtor and Surety, Discharge of Surety, Surety's Rights against the Principal Debtor and Co-surety. Principal of Contribution by Co-Surety

### **UNIT - V**

Bailment: Definition and Essential Features, Bailment for Regard and Gratuitous Bailment, Right and Duties of Bailor and Bailee; Finder of Lost Goods; Rights and Duties of Finder; Rights and Liabilities of Owner; Pledge: Definition, Nature and Scope; Who can Pledge, Rights and Duties of Pawnor and Pawnee; Kinds of Agents: Factory, Brokers, Auctioneers, *Del-Credere* Agents, etc.; Agency: Nature, Distinction from Other Transactions; Contractual Basis of Agency; Modes of Creation of Agency – Express, Implied, Ratification by Operation of Law; Scope of Agent's Authority, Rights and Liabilities of the Agent as Against Principal and Third Party; Rights and Liabilities of Principal and Third Party as against each other and as against Agent; Delegation by Agent; Sub Agent and Substituted Agent; Distinction and Legal Effects; Termination of Agency, Modes of Termination, Agency Coupled with Interest;

### **SUGGESTED READINGS\*:**

Anson, Law of Contract, Oxford University Press, New York, 2016

Atiyah P.S.: An Introduction to the Law of Contract, Clarendon Law Series, OUP, 2006

Avtar Singh, Law of Contract, 12th ed., Eastern Book Company, Lucknow, 2019 (Reprint)

Avtar Singh, Law of Contract,(Hindi) 12th ed., Eastern Book Company, Lucknow, 2019  
(Reprint)

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

Neil Andrews, Contract Law, Cambridge University Press, 2011

Pollock & Mulla: Indian Contract and Specific Relief Act, Lexis Nexis 2019