

## **BA.LL.B (HONS.) – III-SEMESTER**

### **LAW OF CONTRACT-II- SPECIAL CONTRACTS**

#### **COURSE CODE:**

**Course Objective:** The main objective of this Course is to impart comprehensive information on indemnity, guarantee, agency, partnerships, Sale of Goods Act and Specific Relief Act

#### **Course Outcomes:**

1. To understand the general principles of indemnity and guarantee
2. To understand and analyse the principle of agency and legal interpretation
3. To analyse and interpret Sale of Goods Act, Specific Relief Act, Indian Partnership Act
4. To analyse and interpret judicial decisions pertaining to the concepts
5. To recognise the importance of these special contracts in technological economy

**UNIT-I:** Contracts of Indemnity and Guarantee Contracts of Agency: Meaning of Contract of Indemnity, Rights of Indemnity holder, Time of commencement of Indemnifier's Liability, Meaning & Features of Contract of Guarantee Difference between a Contract of Indemnity & Contract of Guarantee, Nature & Extent of Surety's Liability, Meaning & Revocation of Continuing Guarantee. Rights of Surety against Principal Debtor, Creditor & Co-Surety; Meaning & Essentials of Contract of Agency, Different kinds of Agents- Auctioneers, Brokers & Del Credere Agent, Extent of Agent's Authority – Actual, Apparent, Authority in Emergency, Duties of Agent, Termination of Agency

**UNIT-II:** Contracts of Bailment and Contracts of Pledge: Definition & Essentials of Contract of Bailment, Duties of Bailor, Duties of Bailee's, Rights of the Bailee & General & Particular Lien; Duties & Rights of Finder of Goods, Definition of Pledge & Distinction between Bailment & Pledge, Rights of Pledgee, and Pledging of goods by Non-Owners.

**UNIT-III:** The Indian Partnership Act, 1932: Nature of Partnership Firm, Rights /Duties of Partners inter se c. Incoming and Outgoing Partners, Position of Minor, Dissolution and Consequences.

**UNIT-IV:** The Sale of Goods Act, 1940: Definitions, Distinction between Sale and Agreement to Sale, Conditions and Warranties, Passing of Property d. Rights of Unpaid Seller and Remedies for Breach of Contract

**UNIT-V:** Consumer Protection Act, 2019: Definition of Consumer, Rights of consumers, Central Consumer Protection Authority, E-commerce, Grounds to File Complaints, Product Liability, Consumer Disputes Redressal Commission, Penalties for false or misleading advertisements

#### **References:**

1. Avtar Singh, *Law of Contract and Specific Relief*, Eastern Book Company, 2013 (11th Edn)
2. Pollock & Mulla, *Indian Contract and Specific Relief Act*, Lexis Nexis, 2013 (14<sup>th</sup> Edn)
3. Anson, *Law of Contract*, Oxford University Press, 2010 (29th Edn)
4. Cheshire and Fifoot, *Law of Contract*, Lexis Nexis, 2010 (10th Edn)
5. Dutt, *Contract- The Indian Contract Act, 1872*, Eastern Law House, 11<sup>th</sup> Edition, 2013
6. S.K Kapoor, *Contract – II*, Central Law Agency, 2015

7. Akhilekshwar Pathak, Law relating to Special Contracts- Contracts of Bailment, Pledge, Hypothecation, Indemnity & Guarantee, 1<sup>st</sup> Edition, 2013