



C. U. SHAH UNIVERSITY
Wadhwan City

FACULTY OF:- LAW
DEPARTMENT OF:- LAW
SEMESTER:- -II
CODE:- - 4LW02CNT1
NAME:- – CONTRACT LAW - I

Teaching and Evaluation Scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
4LW02CNT1	CONTRACT LAW I	5	0	0	5	5	30	1.5	70	3	---	---	---	100

PAPER -1 CONTRACT –I (GENERAL PRINCIPLES OF CONTRACT) 100

Syllabus.

1. General Principles of Law of Contract.

- 1.1. History and nature of contractual obligations.
- 1.2. Agreement and contract : definitions, elements and kinds.
- 1.3. Proposal and acceptance-their various forms, essential elements, communication and revocation-proposal and invitations for proposal-floating offers-tenders-dumping of goods.
- 1.4. Consideration-its need, meaning, kinds, essential elements-nudum pactum-privy of contract and of consideration-its exceptions-adequacy of consideration-present, past and adequate consideration-unlawful consideration and its effects views of Law Commission of India on consideration-evaluation of the doctrine of consideration.
- 1.5. Capacity to contract-meaning-incapacity arising out of status and mental defect-minor's agreements-definition of 'minor' – accessories supplied to a minor agreements beneficial and detrimental to a minor affirmation-restitution in cases of minor's agreements-fraud by a minor-agreements made on behalf of a minor-minor's agreements and estoppels-evaluation of the law relating to minor's agreements-other illustrations of incapacity to contract.



C. U. SHAH UNIVERSITY Wadhwan City

- 1.6. Free consent-its need and definition-factors vitiating free consent.
- 1.6.1. Coercion-definition-essential elements-elements-duress and coercion-various illustrations of coercion-doctrine of economic duress-effect of coercion.
- 1.6.2. Undue Influence-definition-essential elements-between which parties can it exist? Who is to prove it? Illustrations of undue influence-independent advice-pardahanashin women-unconscionable bargains-effect of undue influence.
- 1.6.3. Misrepresentation-definition-misrepresentation of law and of fact-their effects and illustration.
- 1.6.4. Fraud-definition-essential elements-suggestion falsi-suppresio veri-when does silence amounts to fraud ? Active-concealment of truth-importance of intention.
- 1.6.5. Mistake-definition-kinds-fundamental error-mistake of law and of fact-their effects-when does a mistake vitiate free consent and when does it not vitiate free consent ?
- 1.7. Legality of objects :
- 1.7.1. Void agreements-lawful and unlawful considerations, and objects-void, voidable, illegal and unlawful agreements and their effects.
- 1.7.2. Unlawful considerations and objects :
- 1.7.2.1. Forbidden by law.
- 1.7.2.2. Defeating the provision of any law.
- 1.7.2.3. Fraudulent.
- 1.7.2.4. Injurious to person or property.
- 1.7.2.5. Immoral
- 1.7.2.6. Against public policy.
- 1.7.3. Void Agreements:
- 1.7.3.1. Agreements without consideration.
- 1.7.3.2. Agreements in restraint of marriage.
- 1.7.3.3. Agreements in restraint of trade-its exceptions-sale of goodwill, section 11 restrictions, under the partnership Act, trade combinations, exclusive dealing agreements, restraints on employees under agreements of service.
- 1.7.3.4. Agreements in restraint of legal proceedings-its exceptions.
- 1.7.3.5. Uncertain agreements.
- 1.7.3.6. Wagering agreement-its exception.
- 1.8. Discharge of a contract and its various modes.
- 1.8.1. By performance-conditions of valid tender of performance-How? By whom? Where? When ? In what manner ? performance of reciprocal promises-time as essence of contract.
- 1.8.2. By breach-anticipatory breach and present breach.



C. U. SHAH UNIVERSITY **Wadhwan City**

- 1.8.3. Impossibility of performance-specific grounds of frustration-application to leases-theories of frustration-effect of frustration-frustration and restitution.
- 1.8.4. By period of limitation.
- 1.8.5. by agreement-rescission and alteration – their effect-remission and waiver of performance-extension of time-accord and satisfaction.
- 1.9. Quasi-contracts or certain relations resembling those created by contract.
- 1.10. Remedies in contractual relations :
 - 1.10.1. Damages-kinds-remoteness of damages-ascertainment of damages.
 - 1.10.2. Injunction-when granted and when refused-Why?
 - 1.10.3. Refund and restitution.
 - 1.10.4. Specific performance-When ? Why ?

2. Government as a Contracting Party.

Constitutional provisions-government power to contract-procedural requirements-kinds of government contracts-their usual causes-performance of such contracts-settlements of disputes and remedies.

3. Standard Form Contracts.

Nature, advantages-unilateral character, principles of protection against the possibility of exploitation-judicial approach to such contracts-exemption clauses-clash between two standard form contracts-Law Commission of India's views.

4. Multi-national Agreement.

5. Strategies and constraints to enforce contractual obligations.

- 5.1. Judicial methods-redressal forum, remedies.
- 5.2. Other methods like arbitration, Lok Adalat, Nyaya Panchayat and other such non formal methods.
- 5.3. Systemic constraints in settling contractual disputes.
- 5.4. Court fees, service of summons, injunctions, delay.

Select Bibliography.



C. U. SHAH UNIVERSITY
Wadhwan City

1. Avtar singh, law of Contract (2000)Eastern, Lucknow.
2. Anand and Aiyer, law of Specific Relief (1999), Universla.
3. Law of Contract (Studer Edition) – D.F. Mulla



C. U. SHAH UNIVERSITY
Wadhwan City

FACULTY OF:- LAW
DEPARTMENT OF:- LAW
SEMESTER:- II
CODE:- 4LW02CNT2
NAME:- CONTRACT LAW - II

Teaching and Evaluation Scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
4LW02CNT2	CONTRACT LAW II	5	0	0	5	5	30	1.5	70	3	---	---	---	100

PAPER-2 Contract –2

(Indemnity Guarantee, Bailment, Pledge, Agency, Partnership, Sale of Goods)
100

Syllabus.

1. Indemnity.

- 1.1. The concept.
- 1.2. Need for indemnity to facilitate commercial transactions.
- 1.3. Methods of creating indemnity obligations.
- 1.4. Definition of Indemnity.
- 1.5. Nature and extent of liability of the indemnifier.
- 1.6. Commencement of liability of the indemnifier.
- 1.7. Situations of various types of indemnity creations.
- 1.8. Documents/agreements of indemnity.
- 1.9. nature of indemnity clauses.
- 1.10. Indemnity in cases of International Transactions.
- 1.11. Indemnity by governments during interstate transactions.

2. Guarantee.

- 2.1 The concept.



C. U. SHAH UNIVERSITY Wadhwan City

- 2.2 Definition of guarantee: as distinguished from indemnity.
 - 2.3 Basic essentials for a valid guarantee contract.
 - 2.4 The place of consideration and the criteria for ascertaining the existence of consideration in guarantee contracts.
 - 2.5 Position of minor and validity of guarantee when minor is the principal debtor, creditor or surety.
 - 2.6 Continuing guarantee.
 - 2.6.1. Nature of surety's liability.
 - 2.6.2. Duration and termination of such liability.
 - 2.7. Illustrative situations of existence of continuing guarantee.
 - 2.7.1. Creation and identification of continuing guarantees transactions.
 - 2.8 Rights of surety:
 - 2.8.1. Position of surety in the eye of law.
 - 2.8.2. Various judicial interpretations to protect the surety.
 - 2.9. Co-surety and manner of sharing liabilities and rights.
 - 2.10. Extent of surety's liability.
 - 2.11 Discharge of surety's liability.
- 3. Bailment.**
- 3.1. Identification of bailment contracts in day today life.
 - 3.1.1. Manner of creation of such contracts.
 - 3.2. Commercial utility of bailment contracts.
 - 3.3. Definition of bailment.
 - 3.4 Kinds of Bailees.
 - 3.5 Duties of Bailor and Bailee towards each other.
 - 3.6 Rights of bailor and bailee.
 - 3.7 Finder of goods as a bailee.
 - 3.7.1. Liability towards the true owner.
 - 3.7.2. Obligation to keep the goods safe.
 - 3.7.3. Right to dispose off the goods.
- 4. Pledge.**
- 4.1. Pledge: comparison with bailment.
 - 4.2. Commercial utility of pledge transactions.



C. U. SHAH UNIVERSITY Wadhwan City

- 4.3 Definition of pledge under the Indian contract Act.
 - 4.4 Other statutory regulations(State & Centre) regarding pledge, reasons for the same.
 - 4.5 Rights of the pawner and pawnee.
 - 4.5.1. Pownee's right of sale as compared to that of an ordinary bailee.
- Pledge by certain specified persons mentioned in the Indian contract Act.

5. Agency.

- 5.1. Identification of different kinds of agency transactions in day to day life in the commercial world.
- 5.2. Kinds of agents and agencies.
 - 5.2.1. Distinction between agent and servant.
- 5.3. Essentials of a agency transaction.
- 5.4. Various methods of creation of agency.
- 5.5. Delegation.
- 5.6. Duties and rights of agent.
- 5.7. Scope and extent of agent's authority.
- 5.8. Liability of the principal for acts of the agent including misconduct and tort of the agent.
- 5.9. Liability of the agent towards the principal.
- 5.10. personal liability towards the parties.
- 5.11. Methods of termination of agency contract.
- 5.12. Liability of the principal and agent before and after such termination.

6.

Partnership.

- 6.1 Nature of partnership: definition.
- 6.2 Distinct advantages and disadvantages vis-à-vis partnership and private limited company.
- 6.3. Mutual relationship between partners.
- 6.4. Authority of partners.
- 6.5. Admission of partners.
- 6.6. Outgoing of partners.
- 6.7. Registration of Partnership.
- 6.8. Dissolution of partnership.



C. U. SHAH UNIVERSITY
Wadhwan City

- 7. Sale of Goods.**
- 7.1. Concept of sale as a contract.
 - 7.2. Illustrative instances of sale of goods and the nature of such contracts.
 - 7.3. Essentials of contract of sale.
 - 7.4. Essential conditions in every contract of sale.
 - 7.5. Implied terms in contract of sale.
 - 7.6. The rule of caveat emptor and the exceptions thereto under the Sale of Goods Act.
 - 7.7. Changing concept of caveat emptor.
 - 7.8. Effect and meaning of implied warranties in a sale.
 - 7.9. Transfer of title and passing of risk.
 - 7.10. Delivery of goods: various rules regarding delivery of goods.
 - 7.11. Remedies for breach of contract.

Select bibliography:

- 1. Avtar Singh, Contract Act (2000), Eastern, Lucknow.
- 2. J.P.Verma (ed.), Singh and Gupta, The Law of Partnership in India (1999), Orient Law House, New Delhi.
- 3. Bhashyam and Adiga, The Negotiable Instruments Act (1995), Bharath, Allahabad.
- 4. Saharay, h.k., Indian Partnership and Sale of Goods Act(2000), Universal.
- 5. Sale of Goods Law – Aggarwal.
- 6. Law of partnership – S.T. Desai.



C. U. SHAH UNIVERSITY
Wadhwan City

FACULTY OF:- LAW
DEPARTMENT OF:- LAW
SEMESTER:- II
CODE:- 4LW02ADM1
NAME:- ADMINISTRATIVE LAW

Teaching and Evaluation Scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
4LW02ADM1	ADMINISTRATIVE LAW	5	0	0	5	5	30	1.5	70	3	---	---	---	100

Paper -3 Administrative Law.

100

Syllabus.

1. Evolution, Nature and Scope of Administrative Law.

- 1.1 From a laissez-faire to a social welfare state.
 - 1.1.1. State as regulator of private interest.
 - 1.1.2. State as provider of services.
 - 1.1.3 Other functions of modern state : relief, welfare.
- 1.2. Evolution of administration as the fourth branch of government – necessary for delegation of powers on administration.
- 1.3. Evolution of agencies and procedures for settlement of disputes between individual and administration.
 - 1.3.1. Regulatory agencies on the United States.
 - 1.3.2. Conselil d’Estate.
 - 1.3.3. Tribunalization in England and India.
- 1.4. Definition and scope of administrative law.
- 1.5. Relationship between constitutional law and administrative law.
- 1.6. Separation of powers.



C. U. SHAH UNIVERSITY

Wadhwan City

1.7. Rule of Law.

2. Civil Service in India.

2.1. Nature and organization of civil service : from colonial relics to democratic aspiration.

2.2. Powers and functions.

2.3. Accountability and responsiveness: problems and perspectives.

2.1. Administrative deviance-corruption, nepotism, mal-administration.

3. Legislative Powers of Administration.

3.1. Necessity for delegation of legislative power.

3.2. Constitutionality of delegated legislation – powers of exclusion and inclusion and power to modify statute.

3.3. Requirements for the validity of delegated legislation.

3.3.1. Consultation of affected interests and public participation in rule-making.

3.3.1. Publication of delegated legislation.

3.4. Administrative directions, circulars and policy statements.

3.5. Legislative control of delegated legislation.

3.5.1. Laying procedures and their efficacy.

3.5.2. Committees on delegated legislation – their constitution, function and effectiveness.

3.5.3. Hearings before legislative committees.

3.6. Judicial control of delegated legislation.

3.7. Sub-delegation of legislative powers.

4. Judicial Powers of Administration.

4.1. Need for devolution of adjudicatory authority on administration.

4.2. Administrative tribunals and other adjudicating authorities : their ad-hoc character.

4.3. Tribunals – need, nature, constitution, jurisdiction and procedure.

4.4. Jurisdiction of administrative tribunals and other authorities.

4.5. Distinction between quasi-judicial and administrative functions.

4.6. The right to hearing – essentials of hearing process.



C. U. SHAH UNIVERSITY **Wadhwan City**

- 4.6.1. No man shall be judge in his own cause.
- 4.6.2. No man shall be condemned unheard.
- 4.7. Rules of evidence – no evidence, some evidence and substantial evidence rules.
- 4.8. Reasoned decisions.
- 4.9. The right to counsel.
- 4.10. Institutional decisions.
- 4.11. Administrative appeals.

5. Judicial Control of Administrative Action.

- 5.1. Exhaustion of administrative remedies.
- 5.2. Standing : standing for Public interest litigation (social action litigation) collusion, bias.
- 5.3. Laches.
- 5.4. Res judicata.
- 5.5. Grounds.
 - 5.5.1. Jurisdictional error/ultra vires.
 - 5.5.2. Abuse and non exercise of jurisdiction.
 - 5.5.3. Error apparent on the face of the record.
 - 5.5.4. Violation of principles of natural justice.
 - 5.5.5. Violation of public policy.
 - 5.5.6. Unreasonableness.
 - 5.5.7. Legitimate expectation.
- 5.6. Remedies in judicial Review:
 - 5.6.1. Statutory appeals.
 - 5.6.2. Mandamus.
 - 5.6.3. Certiorai.
 - 5.6.4. Prohibition.
 - 5.6.5. Quo-Warranto.
 - 5.6.6. Habeas Corpus.
 - 5.6.7. Declaratory judgments and injunctions.
 - 5.6.8. Specific performance and civil suits for compensation.

6. Administrative Discretion.

- 6.1. Need for administrative discretion.
- 6.2. Administrative discretion and rule of law.



C. U. SHAH UNIVERSITY **Wadhwan City**

- 6.3. Limitations on exercise of discretion.
- 6.3.1. Malafide exercise of discretion.
- 6.3.2. Constitutional imperatives and use of discretionary authority.
- 6.3.3. Irrelevant considerations.
- 6.3.4. Non-exercise of discretionary power.

7. Liability for Wrong (Tortious and Contractual)

- 7.1. Tortious liability: sovereign and non-sovereign functions.
- 7.2. Statutory immunity.
- 7.3. Act of state.
- 7.4. Contractual liability of government.
- 7.5. Government privilege in legal proceedings-state secrets, public interest.
- 7.6. Transparency and right to information.
- 7.7. Estoppel and waiver.

8. Corporations and Public Undertakings.

- 8.1. State monopoly – remedies against arbitrary action or for acting against public policy.
- 8.2. liability of public and private corporations – departmental undertakings.
- 8.3. Legislative and governmental control.
- 8.1. Legal remedies.
- 8.2. Accountability-Committee on Public Undertakings, Estimates Committee, etc.

9. Informal Methods of Settlement of Disputes and Grievance Redressal Procedures.

- 9.1. Conciliation and mediation through social action groups.
- 9.2. use of media, lobbying and public participation.
- 9.3. Public inquiries and commissions of inquiry.
- 9.4. ombudsman : Lok Pal, Lok Ayukta.
- 9.5. Vigilance Commission.
- 9.6. Congressional and Parliamentary Committees.

Select Bibliography :

- 1. S.P.Sathe, Administrative Law (1998) Butterworths-India, Delhi.



C. U. SHAH UNIVERSITY
Wadhwan City

2. Administrative Law – C.K.Takwani.
3. Vahivati Kanoon – Harubhai Mehta.



C. U. SHAH UNIVERSITY
Wadhwan City

FACULTY OF:- LAW
DEPARTMENT OF:- LAW
SEMESTER:- II
CODE:- 4LW02LOP1
NAME:- PROPERTY LAW

Teaching and Evaluation Scheme:-

Subject Code	Name of the Subject	Teaching Scheme (Hours)				Credits	Evaluation Scheme							
		Th	Tu	Pr	Total		Theory				Practical (Marks)			Total
							Sessional Exam		University Exam		Internal		University	
							Marks	Hrs	Marks	Hrs	Pr/Viva	TW	Pr	
4LW02LOP1	PROPERTY LAW	5	0	0	5	5	30	1.5	70	3	---	---	---	100

PAPER-4 : LAW OF PROPERTY

100

Unit-I:

Meaning and concept of property

- Kinds of property
- Transfer of property
- Transferable and non-transferable property
- Who can transfer
- Operation of transfer
- Mode of transfer — Conditional transfer
- Void and unlawful conditions
- Condition precedent and condition subsequent
- Vested and contingent interest
- Transfer to unborn person

Unit-II:

Doctrine of Election

- Covenants — Transfer by ostensible owner
- Doctrine of Feeding the Grant by

Estoppels

- Doctrine of Lis Pen dens



C. U. SHAH UNIVERSITY
Wadhwan City

- Fraudulent Transfer
- Doctrine of Part-performance.

Unit-III:

Sale- Essential features —

Mode of Sale

- Rights and liabilities of parties.

Mortgage - Kinds of Mortgages

- Rights and liabilities of mortgagor and mortgagee

— Marshalling and Contribution — Charges.

Unit-IV:

Lease — Essential features

- Kinds of leases

- Rights and liabilities of lesser and lessee

- Termination of lease

- forfeiture — Exchange — Gifts — Different types of gifts — Registration of Gifts —

Transfer of Actionable Claims.

Unit-V:

Easements — Definition of easement

- Distinction between Lease and License

- Dominant and Servant Tenements. Acquisition of property through testamentary succession

- Will — Codicil — Capacity to execute Will — Nature of bequests — Executors of Will —

Rights and Obligations of Legatees.

Suggested Readings:

1. Mulla : Transfer of Property

, Butterworth's Publications.

2.

Subba Rao GCV:

Commentaries on the Transfer of Property Act

3.

Krishna Menon:

Law of Property