



Shri Vaishnav Vidyapeeth Vishwavidyalaya

LL.M. (Business Law)

2021-23

SEMESTER I

COURSE CODE	CATEGORY	COURSE NAME	L	T	P	CREDITS	TEACHING & EVALUATION SCHEME				
							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMC101	DC	LAW AND SOCIAL TRANSFORMATION	4	0	0	4	60	20	20	0	0

Legends: L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C - Credit;

*Teacher Assessment shall be based following components: Quiz/Assignment/Project/Participation in Class, given that no component shall exceed more than 10 marks.

Course Objectives: After studying this paper the students will know-

1. This course is designed to create awareness in the students who are the future generations of India about the Indian approaches to social and economic problems and to address the remedial measures through Law as an instrument of social control and change.
2. Further, it aims to create awareness in the minds of t students and taught to explore and exploit the significance of law and legal institutions as a means of development within the framework of law.

Course Outcomes: The students should be able to:

1. Understand the Social Changes after the implementation of Law.
2. Demonstrate independent, critical thinking on the history, and social and political character of legal change
3. Reflect upon and analyse the moral and ethical content and impact of law as it impacts on social change.

UNIT- I: Law and Social Change

- Law as an instrument of social change: Roscoe Pound's Social engineering.
- Law as a product of traditions and culture
- Introduction of common law system and institutions in India and the impact of received law on the Indian Social and Legal Order.
- Limits of Law in bringing out social change.
- Impact of Social Movement

UNIT- II: Women, Children and Law

- Status of Women in Indian Society


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- Crimes against women.
- Gender injustice and its various forms.
- Women's Commission.
- Empowerment of women: Constitutional and other legal provisions.
- **Children and the law**
- Status of Children in Indian Society
- Child labour
- Adoption and related problems.
- Children and education
- Constitutional aspects

UNIT- III: Religion, Language and Law

- Religion as an integrating and divisive factor.
- Secularism as a solution to the problem.
- Reform of the law on secular lines: Problems.
- Freedom of religion and non-discrimination on the basis of religion.
- Religious minorities and the law vi. Religion based conflicts
- Language as an integrating and divisive factor: formation of linguistic states.
- Constitutional guarantees to linguistic minorities.
- Language policy and the Constitution: Official language Act 1963; Multi-language system
- Non-discrimination on the ground of language

UNIT-IV: Community, Regionalism and the Law

- **Community and Law-** Caste as a divisive factor, Non-discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustices, Protective discrimination- Scheduled castes, Tribes and Backward classes, Reservation: Statutory Commission, Statutory provisions.
- **Regionalism and the law-** Regionalism as a divisive factor, concept of India as one unit, Right of Movement, residence and business, impermissibility of state or regional barriers, Equality in matters of employment-the slogan "sons of the soil" and its practice, Admission to educational institutions, preference to residents of a state.

UNIT-V: Modernisation and Law

- Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
- Modernisation of social institutions through law: Limits of Law


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- Civil law: (ADR) Confrontation vs. consensus; mediation and conciliation; Lok adalats
- Democratic decentralization and local self-government
- Socialist thought on law and justice: An enquiry through constitutional debates on the right to property
- Naxalite/Maoist movement: cause and cure.

References:

1. Galanter, M. (1977). *Law and Society in Modern India*. New Delhi. Oxford University Press.
1. Malik, K.P & Raval, K.C. (2007). *Law and Social Transformation in India*. New Delhi. Allahabad law Agency.
2. Bhat, I.P. (2004). *Law and Social Transformation in India*. Lucknow. Eastern Book Company.
3. Lingat, R. (1998). *The Classical Law of India*. New Delhi. Munshiram Maniharlal Publishers.
4. Baxi, U. (1982). *The Crisis of the Indian Legal System*. New Delhi. Vikas Publishers.
5. Duncan, J & Derret, M. (1999). *The State, Religion and Law in India*. New Delhi. Oxford University Press.
6. Seervai, H.M. (1996). *Constitutional Law of India*, New Delhi. Universal Publishing House.


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							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMC102	DC	COMPARATIVE CONSTITUTION LAW AND GOVERNANCE	4	0	0	4	60	20	20	0	0

Legends: L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C - Credit;

***Teacher Assessment** shall be based following components: Quiz/Assignment/Project/Participation in Class, given that no component shall exceed more than 10 marks.

Course Objectives: After studying this paper the students will know-

1. A Constitution is being the supreme Law of the Land; it derives its directives from various aspects.
2. It is obligatory on the part of a constituent assembly to refer the various customs and precedents that are in existence within a side the country.
3. In inquiry in the basic structural aspects and the differences that exist between the various constitutional perspectives need to be study to give an understanding of the significance of the dictums of a constitution.

Course Outcomes: The students should be able to:

1. Understand the concept of Constitution and Constitutionalism.
2. Demonstrate the process of the differences that exist in the basic structural patterns in the constitutional perspective in the world.

Syllabus:

UNIT-I: Constitution & Constitutionalism

- Constitution: Concept, Nature and Importance of Constitution-Evolution of Constitutional Values-Requisites of Ideal Constitution-Historical Evolution of Constitutional Government
- Constitutionalism: Concept-Evolution-Limitations on Government Power, Constitutional Supremacy-Separation of Power


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UNIT-II: Comparative Constitutions

- Scope of Comparative Constitutional Law: Need for Comparative Study of Constitutional Law in Constitution Making
- Types of Constitutions: Written Constitutions-U.S.A, Canada, Australia and India; Unwritten Constitutions-England

UNIT-III: Judicial Review & Civil Rights

- Judicial Review in India-Fundamental Rights; Writ Jurisdiction-A Comparative Study with UK and USA
- Civil Liberties/Rights: Structure, Enforcement of Individual Rights, Group Rights, National Security

UNIT-IV: Federalism

- Federalism: Concepts of Federalism and Federal Government-Conditions Essential for Federalism; Patterns of Federal Government: U.S.A, Australia, Canada and India
- New Trends in Federalism: Cooperative Federalism-Political factors Influencing Federalism, Central Control v. State Autonomy-Dynamics of Federalism

UNIT-V: Parliamentary Privileges and Amendment Process

- Parliamentary privileges-comparative study with different countries
- Parliamentary privileges and anti-defection Law
- Need for Legislation on Parliamentary privileges in India
- Process of amendment
- Types of Amendment
- Judicial scrutiny of Amendments to the constitution.

References:

1. Forsyth, C. Elliott, Jhaveri, M. S. (2010). *Effective Judicial Review: A Cornerstone of Good Governance*. New Delhi. Oxford University Press.
2. Basu, D.D. (2014). *Comparative Constitutional Law*. Nagpur. Wadhwa and Wadhwa, 2nd ed.
3. Strauss, D. (2010). *The Living Constitution*. New Delhi. Oxford University Press.
4. Kashyap, S. (2004). *Framing of Indian Constitution*. New Delhi. Universal Law Publication.
5. Giussani, E. (2008). *Constitutional and Administrative Law*. London. Sweet and Maxwell.
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7. Pylee, M.V. (2006). *Constitution of the World*. New Delhi. Universal Law Publication.
8. Singh, M.P. (1989). *Comparative Constitutional Law*. Lucknow. Eastern Book Company.
9. Devins, N and Fisher, L. (2010). *The Democratic Constitution*. London. Oxford University Press.
10. Ray, S.N. (1974). *Judicial Review and Fundamental Rights*. Kolkata. Eastern Law House.
11. Swamy, S.K. (2009). *Democracy and Constitutionalism in India – A Study of the Basic Structure Doctrine*. New Delhi. Oxford University Press.
12. Khilnani, S. Raghavan, V. Thiruvengadam, A. (2013). *Comparative Constitutionalism in South Asia*. New Delhi. Oxford University Press.
13. David, V. and Tushnet, M. (2009). *Global Perspectives on Constitutional Law*. New Delhi. Oxford University Press.
14. D. D. Basu: *Comparative Constitution Law*, LexisNexis India, Gurgaon.
15. D. D. Basu: *Introduction to the Constitution of India*, Lexis-Nexis, New Delhi.
16. Donald Kommers: 'The Value of Comparative Constitutional Law', 9 J. Marshall J. Prac. & Pro. 685 (1976).
17. Elkins, Z Ginsburg, T. Melton, J. (2009). *The Endurance of National Constitutions*. Cambridge. Cambridge University Press.

Articles:

1. Ullah, Aman and Samee, Uzair, (2011). *Basic Structure of Constitution: Impact of Kesavananda Bharati on Constitutional Status of Fundamental Rights*, South Asian Studies Vol. 26 (2) 299-309.
2. Smith, Anne (2011). *Internationalization and Constitutional Borrowing in Drafting Bills of Rights*, International and Comparative Law Quarterly, Vol. 60(4), 867-894.
3. Ackerman, Bruce, (2000). *The New Separation of Powers* Harvard Law Review, Vol. 113 (3), 634-729.
4. Clark, Bryan and Leiter, Amanda (2011). *Regulatory hide and seek: What agencies can (and can't) do to limit judicial review*, Boston College Law Review, Vol. 52(5), 1687-1732.
5. Agarwal, Chhavi (2010). *Rule of Law: Reflection upon we the People and Beyond*, Madras Law Journal, Vol. 252 (1), 8-16 (2010).
6. B. Rodriguez, Daniel (2011). *Change that matters: Essay on State Constitutional Development*, Penn State Law Review, Vol. 115(4), 1073-1098.
7. Levinson, Daryl and H. Pildes, Richard (2006). *Separation of Parties, Not Powers*, Harvard Law Review, Vol. 119(8), 2311-2386.


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							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMBE101	DE	CORPORATE LAW	4	0	0	4	60	20	20	0	0

Legends: L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C - Credit;

***Teacher Assessment** shall be based following components: Quiz/Assignment/Project/Participation in Class, given that no component shall exceed more than 10 marks.

Course Objectives: After studying this paper the students will know-

1. To make students aware of the conceptual basis nature of the law and its formulation;
2. To familiarize them the basic principles underlying the Course of the study
3. To acquaint them with the evolutionary processes of law in the context of social, political, economic and other factors; Exposition of the subject matter in detail with the help of legislative, judicial and other materials.

Course Outcomes: The students should be able to:

1. Understand the concept of Constitution, difference between Constitution and Constitutionalism, Constitutional Review and the essential features of Constitution.
2. Demonstrate the Dicey's Concept of Rule of Law and the role of Separation of Power in Indian Administrative perspective.

Syllabus:

UNIT-I: Historical Development

- Development of English Company Law & Indian Company Law
- Corporation Past, Present & Future
- Impact of LPG on Indian Corporate Sector and Development of Policies
- Concept of Corporate Personality
- Corporate Civil and Criminal Liability
- Doctrine of Lifting of corporate Veil, Doctrine of Ultra Virus,
- Doctrine of Indoor Management and Constructive Notice
- Memorandum of Association, Articles of Association, Prospectus


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UNIT-II: Concepts

- Banking Company
- Insurance Company
- Foreign Company
- Government Company
- Listed Company
- One Person Company
- Private Company
- Public Company
- Small Company
- Dormant Company
- Company for charitable purpose
- Detailed study of Company capital- Equity Finance, Debt Finance, Offer Documents, Venture Capital & Angel Financing.

UNIT-III: Management and Administration

- Promoter
- Members
- Duties of Directors
- Independent Director
- Interested Director
- Managing Director
- Whole time Director
- Small shareholders Director
- Manager
- Powers of Board of Directors
- Annual General Meeting, Majority Rule and Minority Protection.

UNIT IV: Corporate Governance and Social Responsibility

- Importance of Corporate Governance
- Different system of Corporate Governance
- Impact of Legal Traditions and the Rule of Law on Corporate Governance
- Legal Reforms of Corporate Governance in India
- Reports of the various Committees on Corporate Governance
- Corporate Social and Environmental Responsibility
- Basic Principles and OECD
- Functions of Company Secretary


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UNIT V: Compromises, Arrangements and Amalgamations

- Mergers
- Amalgamation and Takeovers
- Powers of Tribunal, Acquisition of shares of dissenting shareholders
- Purchase of Minority shareholding
- Power of Central Government.

References:

1. Davis, P. & Worthington, S. (2012). *Gower & Davis Principles of Modern Company Law*. United Kingdom. Sweet & Maxwell.
2. Thomson, J.M. (1976). *Palmer's Company Law*. Latest Edition. United Kingdom. Sweet & Maxwell.
3. Ramaiya, A. (2020). *Ramaiya's Guide to the Companies Act*. New Delhi. Lexis Nexis.
4. Institute of Company Secretaries of India. (2016). *Guide to Companies Act 2013*. ICSI Publishers.
5. Taxmann, (2014). *Taxmann's A Comparative Study of Companies Act 2013 and Companies Act 1956*. New Delhi. Taxmann Publishers.

Articles:

1. Chandratre, K. R & et.al. (2010). *Bharat's SEBI Compendium*. 2Vol, 4th Ed. New Delhi: Bharat Law House.
2. Ferran, F. (2008). *Principles of Corporate Finance Law*. Oxford. Oxford University Press.
3. Khilnani, D.T. (2007). *FEMA Ready Reckoner*. 2Vol, 12th Ed. New Delhi. Snow White Publications.
4. Myneni, S.R. (2006). *Law of Investment and Securities*. Hyderabad. Asia Law House.
5. Puliani, R et.al. (2007). *Bharat's Manual of SEBI Act, Rules, Regulations, Guidelines, Circulars, etc.* 2Vol, New Delh. Bharat Law House.
6. Saxena, A. (2008). *Bharat's Foreign Exchange Management Manual*. 3Vol, 5th Ed. New Delhi. Bharat Law House.
7. Singh, A. (2004). *Company Law*. Edition 14th. Lucknow. Eastern Book Company.
8. Taxman. (2011). *Taxman's Foreign Exchange Management Manual: With Foreign Exchange Laws Ready Reckoner*. 2Vol, 18th Ed. New Delhi. Taxman Publications.
9. Taxman. (2010). *Taxman's SEBI Manual*. 2Vol, 15th Ed. New Delhi. Taxman Publications.


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							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMBE102	DE	GLOBAL TRADE AND WTO	3	0	0	3	60	20	20	0	0

Legends: L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C - Credit;

***Teacher Assessment** shall be based following components: Quiz/Assignment/Project/Participation in Class, given that no component shall exceed more than 10 marks.

Course Objectives: After studying this paper the students will know-

1. To understand the basic concepts of WTO
2. To understand the agreements governing Global Trade
3. To acquaint the student understand the dispute settlement procedure in this area.

Course Outcomes: The students should be able to:

1. Explain about the basic functioning of WTO, GATT and GATS.
2. Understand Dispute Settlement Mechanism procedures
3. Understanding sale of goods and international commercial contracts
4. Acquaint with various contemporary developments in the field of Global Trade

Syllabus:

UNIT I: Introduction to Global Trade

- An Overview, Concept and Nature of International Trade Law, Origins: Theories of International Trade,
- Globalization and International Trade.
- **World Trade Organization (WTO) Agreement: Introduction to World- Trade Organisation** Bretton woods Conference - General Agreement on Tariffs and Trade (GATT) - World Trade Organisation (WTO) - Establishment, Scope, Functions, Structure, Secretariat, Status, Decision-making, Withdrawal, etc.


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UNIT II: Trade in Goods: General Agreement on Tariffs and Trade (GATT) Rules

- Most Favoured Nation (MFN), National Treatment, QRs, Tariff bindings
- Textile and Clothing
- Investment Measures, Anti-dumping
- Safeguard and countervailing measures - Customs valuation, pre-shipment inspection, Rules of origin, import licensing,
- Agreement on Agriculture, Sanitary and Phyto-sanitary norms.

UNIT-III: Trade in Services - General Agreement on Trade in Services (GATS)

- Legal and commercial Agreements
- Financial Services
- Maritime Transport
- Professional services

UNIT IV: Trade Related Aspects of Intellectual Property (TRIPS)

- Patents
- Copyrights
- Industrial Designs,
- Trademarks,
- Geographical Indications
- Integrated Circuits
- Undisclosed Information

UNIT-V: WTO and developing countries

- Introduction : Developing Countries & GATT
- New International Economic Order (NIEO) and developing countries
- Developing Countries & WTO and other issues
- Role of WTO and least Developed Countries (LDCs).

References:

1. Kuper, A. (2006). *Democracy Beyond Borders: Justice and Representations in Global Institution*. Oxford. Oxford University Press.
2. McGrew, A. and Held, D. (2002). *Governing Globalization: Power, Authority and Global Governance*. Cambridge. Polity Press.
3. Cesar, A. and Garavito, R. (2005). *Law and Globalization from Below*. Cambridge. Cambridge University Press.


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6. Kinley, D. (2009). *Civilizing Globalization: Human Rights and the Global Economy*. Cambridge. Cambridge University Press.
7. Schzeiderman, D. (2008). *Constitutionalizing Economic Globalization: Investment Rules and Democracy's Promise*. Cambridge. Cambridge University Press.
8. Coicaud, J.M. and Doyle, M.W. *et al.* (2003). *The Globalization of Human Rights*. Tokyo. United Nations University Press.
9. Baylis, J and Smith, S. *et al.* (2008). *The Globalization of World Politics: An Introduction to International Relations*. Oxford. Oxford University Press.
10. Ladeur, K.H. (2004). *Public Governance in the Age of Globalization*. New York. Routledge Publications.
11. Valentini, L. (2011). *Justice in a Globalizing World: A Normative Framework*. Oxford. Oxford University Press.
12. Abouharb, M. and Cingranelli, D. (2007). *Human Rights and Structural Adjustment*. Cambridge. Cambridge University Press.
13. Greiff, P.D. and Cronin, C. (2002). *Global Justice and Transnational Politics: Essays on the Moral and Political Challenges of Globalization*. Cambridge. Massachusetts Institute of Technology Press.
14. Corbett, P.E. (1971). *The Growth of World Law*. New Jersey. Princeton University Press.
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18. Menski, W. (2006). *Comparative Law in Global Context: The Legal Systems of Asia and Africa*. Cambridge. Cambridge University Press.
19. Shan, W. and Simons, P. *et al.* (2008). *Redefining Sovereignty in International Economic Law*. Oxford. Hart Publishing.
20. Twining, W. (2009). *General Jurisprudence: Understanding Law from a Global Perspective*. Cambridge. Cambridge University Press.
21. Report on World Commission on Social Dimension of Globalization, *A Fair Globalization: Creating Opportunities for All* (2004).


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							THEORY		PRACTICAL		
							END SEM University Exam	Two Term Exam	Teachers Assessment*	END SEM University Exam	Teachers Assessment*
LLMBE103	DE	GENERAL PRINCIPLES OF CONTRACT LAW	4	0	0	4	60	20	20	0	0

Legends: L - Lecture; T - Tutorial/Teacher Guided Student Activity; P – Practical; C - Credit;

*Teacher Assessment shall be based following components: Quiz/Assignment/Project/Participation in Class, given that no component shall exceed more than 10 marks.

Course Objectives: After studying this paper the students will know-

1. The system of formation and discharge of contracts in India and the role of courts in enforcing them.
2. The concept of voluntarily created civil obligations.
- 3.

Course Outcomes: The students should be able to:

1. Understand the synthesis of case laws, identification of issues and applicability of relevant provisions and critical analysis of the judicial decisions with reference to the Indian Contract Act, 1872.

Syllabus:

UNIT I: GENERAL INTRODUCTION

- General Introduction – History and Nature of Contractual Obligations
- Formation of an Agreement Intention to create legal relationship; offer and invitation to treat; kinds of offer, communication, acceptance and revocation of offer and acceptance; modes of revocation of offer - Indian Contract Act, 1872, sections 2 – 10

Case-Laws:

1. Carlill v. Carbolic Smoke Ball Co. (1891-4) All ER Rep.127
2. Pharmaceutical Society of Great Britain v. Boots Cash Chemist (Southern) Ltd. (1952) 2 All ER Rep. 456
3. Balfour v. Balfour (1918-19) All ER 860 (CA)
4. Lalman Shukla v. Gauri Datt (1913) XL ALJR 489 (All.)


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5. Bhagwandas Goverdhandas Kedia v. M/s. Girdharilal Parshottamdas & Co., AIR 1966 SC 543
 6. Harvey v. Facey (1893) AC 552
 7. Felthouse v. Bindley (1862) 11 CB 869
- Making of an Agreement – Special Situations Tenders and Auctions- Indian Contract Act, 1872, sections 2-10

Case-Laws:

1. Union of India v. Maddala Thathiah, AIR 1966 SC 1724
2. Rajendra Kumar Verma v. State of M.P., AIR 1972 MP 131
3. Kanhaiya Lal Aggarwal v. Union of India, AIR 2002 SC 2766
4. Haridwar Singh v. Bagun Sumbrui (1973) 3 SCC 889
5. Indian Airlines Corporation v. Sm. Madhuri Chowdhuri, AIR 1965 Cal. 252

UNIT II: CONSIDERATION

- Consideration Meaning; basis and the nature of consideration; Doctrine of Privity of Contract and of consideration, its exceptions; Exceptions of consideration – Indian Contract Act, 1872, sections 2(d), 2(f), 23 and 25

Case Laws:

1. Kedarnath Bhattacharji v. Gorie Mahomed (1886) 7 I.D. 64 (Cal.)
 2. Doraswami Iyer v. Arunachala Ayyar (1935) 43 LW 259 (Mad.)
 3. Abdul Aziz v. Masum Ali, AIR 1914 All. 22
 4. Venkata Chinnaya Rau v. Venkataramaya Garu (1881) 1 ID 137 (Mad.)
 5. Nawab Khwaja Muhammad Khan v. Nawab Husaini Begam (1910) LR 37 I.A. 152
- Capacity to Contract Legal disability to enter into contract - Minors, persons of unsound mind; person under legal disability; lunatics, idiots; Restitution in cases of minor's agreement; Liability for necessities supplied to the minor - Indian Contract Act, 1872, sections 10, 11, 12, 64, 65, 68; Specific Relief Act, 1963, section 33; Indian Majority Act, 1875

Case-Laws:


1. Mohori Bibee v. Dhurmodas Ghose (1903) 30 I.A. 114
2. Khan Gul v. Lakha Singh, AIR 1928 Lah. 609
3. Ajudhia Prasad v. Chandan Lal, AIR 1937 All. 610

UNIT –III: Free Consent

- Free consent ; Definition – Coercion, Undue influence, Fraud, Misrepresentation and Mistake; Effect on contracts influenced by any factor vitiating free consent - Indian Contract Act, 1872, sections 13 – 22


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Case-Laws:

1. Raghunath Prasad v. Sarju Prasad (1923) 51 I.A. 101
 2. Subhas Chandra Das Mushib v. Ganga Prasad Das Mushib, AIR 1967 SC 878
 3. Lakshmi Amma v. T. Narayana Bhatta, 1970 (3) SCC 159
 4. Tarsem Singh v. Sukhminder Singh (1998) 3 SCC 471
- Limitations on Freedom of Contract Circumstances in which agreements become void or voidable, Distinction between void and voidable agreements; Unlawful Agreements; Public policy; Agreements with unlawful consideration in part and objects; Agreements without consideration; Agreements in restraint of marriage; Agreements in restraint of trade; Agreements in restraint of legal proceedings; Ambiguous and uncertain agreements & Wagering agreements -Indian Contract Act, 1872, sections 23 – 30

Case-Laws:

1. Gherulal Parakh v. Mahadeodas Maiya, AIR 1959 SC 781
2. Niranjana Shankar Golikari v. Century Spinning & Manufacturing Co. Ltd., AIR 1967 SC 1098
3. Central Inland Water Transport Corpn. Ltd. v. Brojo Nath Ganguly (1986) 3 SCC 156 (Also see D.T.C. v. D.T.C. Mazdoor Congress, AIR 1991 SC 101; Bank of India v. O.P. Swarankar, AIR 2003 SC 858)
4. Dhurandhar Prasad Singh v. Jai Prakash University, AIR 2001 SC 2552

UNIT-IV: DISCHARGE OF A CONTRACT

- Modes-Discharge by performance; Frustration; Supervening impossibility of performance; Grounds of Frustration and its effect; Discharge by Agreement and Novation - Indian Contract Act, 1872, Sections 37 – 67

Case-Laws:

1. Satyabrata Ghose v. Mugneeram Bangur & Co., AIR 1954 SC 44
 2. M/s. Alopri Parshad & Sons Ltd. v. Union of India, AIR 1960 SC 588
 3. Punj Sons Pvt. Ltd. v. Union of India, AIR 1986 Del. 158
 4. Easun Engineering Co. Ltd. v. The Fertilizers & Chemicals Travancore Ltd., AIR 1991 Mad. 158
- Quasi – Contracts Obligations resembling those created by Contract (Quasi – Contracts): Concept and classification - Indian Contract Act, 1872, sections 68 – 72

Case-Laws:

1. State of West Bengal v. B.K. Mondal & Sons, AIR 1962 SC 779

UNIT-V: REMEDIES FOR BREACH OF CONTRACT

- Damages; Types of Damages; Basis of Assessment of Damages; Remoteness of Damages and


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- Measures of Damages; Mitigation of Damages; Penalty & Liquidated Damages – Indian Contract Act, 1872, Sections 73 – 74

Case-Laws:


1. Hadley v. Baxendale (1843-60) All ER Rep. 461
2. AKAS Jamal v. Moolla Dawood, Sons & Co. (1915) XX C.W.N. 105
3. Karsandas H. Thacker v. M/s. The Saran Engineering Co. Ltd., AIR 1965 SC 1981
4. Maula Bux v. Union of India, AIR 1970 SC 1955
5. Shri Hanuman Cotton Mills v. Tata Air Craft Ltd., 1969 (3) SCC 522
6. Ghaziabad Development Authority v. Union of India, AIR 2000 SC 2003

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