



SYMBIOSIS COLLEGE OF ARTS & COMMERCE

An Autonomous College | Under Savitribai Phule Pune University

Reaccredited 'A+' with 3.51 CGPA For Third Cycle By NAAC | College with Potential for Excellence

COURSE

FOUNDATION OF MERCANTILE LAW - I

Course Learning Outcomes:

On successful completion of the module, students will be:

1. Students will be equipped with awareness about basic legal framework governing business, trade and commerce in India.
2. Students will be acquainted with theoretical principles of formation of contract, performance of contract, discharging a contract and legal remedies in case of breach of contract and types of contracts related with trade, commerce and industry.
3. Students will understand the interpretation and application of laws through study of various Case-laws.
4. Students will develop a skill of drafting and understanding legal documents and will also develop a sense of their legal rights and duties in a contract.

Gist of this course in maximum 3 to 4 lines

Commerce degree Program would be incomplete without the inputs of a basic legal framework of trade, commerce and industry. This course is of practical importance as it acquaints the students with the theoretical principles related to contract law, right from formation to discharge of contract, legal remedies in case of breach of contract and various types of special contracts. The study of foundation of mercantile laws is therefore of utmost relevance.

Detailed syllabus

Unit	CONTENTS OF THE COURSE	No. of Lectures
1. Indian Contract Act, 1872: Introduction	1.1 Meaning of Law, origin, types and importance of laws, relation between Law and Act. 1.2 Meaning of mercantile law, scope and its importance 1.3 Origin of contract law in India 1.4 Historical background of Indian Contract Act, 1872 1.5 Nature, purpose and significance of contracts	02
2. Proposal, Acceptance and Consideration	2.1 Proposal / Offer – definition, meaning, examples, parties, Rules of a legal and valid proposal, revocation of a proposal, invitation to a proposal 2.2 Acceptance – definition, meaning, examples, promise, parties, Rules of a legal and valid acceptance	08

	<p>2.3 Consideration – definition, meaning, examples, Rules of a legal and valid consideration</p> <p>2.4 Importance of consideration in a contract, ‘No consideration – no contract’ principle with exceptions</p> <p>2.5 Landmark case-laws</p>	
3. Definitions and types of Agreements and Contracts	<p>3.1 Important definitions of certain concepts – agreement, contract</p> <p>3.2 Types of agreement – void agreement, contract</p> <p>3.3 Types of Contract – valid, void, voidable, express, implied, executory, executed</p>	02
4. Formation of a Contract (Sections 10 to 30)	<p>4.1 Essential requirements for a contract – Methodology of entering into a contract, whether a contract has to be in writing</p> <p>4.2 Competent parties – sound mind person, major person, person not disqualified by law. Effect of agreement by an incompetent party</p> <p>4.3 Free consent – consent caused by coercion, undue influence, fraud, misrepresentation, mistake. Effect of unfree consent on contract</p> <p>4.4 Lawful considerations and lawful objects – meaning and effect on agreement</p> <p>4.5 Void agreements – types of void agreements, agreements expressly declared as void, wagering agreements</p>	14
5. Contingent Contracts and Quasi Contracts	<p>5.1 Contingent contract – definition, meaning and examples</p> <p>5.2 Rules of enforcement of contingent contracts</p> <p>5.3 Similarity and differences between contingent contract and wagering agreement</p> <p>5.4 Meaning of Quasi-contract – certain relations resembling to those created by contracts</p> <p>5.5 Various types of Quasi-contracts</p> <p>5.6 Responsibility of finder of lost goods</p> <p>5.7 Legal remedy in case of breach of Quasi-contract</p> <p>5.8 Landmark case-laws</p>	04
6. Discharge of contract	<p>6.1 Meaning of discharge of contract</p> <p>6.2 Methods of discharging a contract</p> <p>6.3 Breach of contract – meaning and types</p> <p>6.4 Frustration of contract</p> <p>6.5 Novation, Rescission and Alteration of contract</p> <p>6.6 Remission and Waiver of contract</p> <p>6.7 Accord and Satisfaction</p>	05
7. Legal Remedies for Breach of Contract	<p>7.1 Meaning of a legal remedy</p> <p>7.2 Suit for Rescission</p> <p>7.3 Suit for Specific Performance of Contract</p> <p>7.4 Suit for an Injunction</p> <p>7.5 Suit on ‘Quantum Meruit’ principle</p>	05

	7.6 Suit for Damages – meaning of damages, rules for calculation of damages, types of damages, liquidated damages and penalty 7.7 Landmark case-laws	
8. Special Contracts	8.1 Various types of special contracts under Indian Contract Act, 1872 – their significance and application in the business world 8.2 Indemnity contract – definition, parties, examples, essential requirements, importance 8.3 Guarantee contract – definition, parties, examples, essential requirements, importance, similarity and differences between indemnity and guarantee 8.4 Bailment contract – definition, parties, examples, essential requirements, importance 8.5 Pledge contract – definition, parties, examples, essential requirements, importance, similarity and differences between bailment and pledge contracts 8.6 Agency contract – definition, parties, examples, essential requirements, importance	14
	Total Number of Lectures	54

Suggested Reference Books:

1. *M.C. Kuchhal - 'Mercantile Law' - By Vikas Publishing House, New Delhi*
2. *Avtar Singh - 'Indian Contract Act' – By Eastern Book Co. Lucknow*
3. *P.C. Tulsian – 'Business Law' – By Tata McGraw Hill Publishing Co. Ltd., New Delhi*
4. *Tejpal Sheth – 'Business Law' – By Pearson Publications, Noida*
5. *Sushma Arora – 'Business Law' – By Taxmann's Publication, New Delhi*
6. *Bare Act of 'Indian Contract Act, 1872'*