

The Specific Relief Act, 1963 is a Legislative remedy for Individuals

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Introduction

In Indian perspective after liberalization, Privatization and Globalization complete economic structure of the India is changed and due to the policies in 1980 to around 2000 various developmental progress witnessed in India. On the other hand legal necessity increased rapidly in every sector like Agriculture, Construction, Service Industry, Infrastructure development and so many other sectors. As the increase developmental works increased in India the rate of litigation under specific relief Act increased rapidly. Hence under the Specific Relief Act, 1963 provide comprehensive relief to the individuals instead of having umbrella of substantive and procedural civil laws in India. As need of the time more elaborately discussed Specific Relief Act, 1963. The Specific Relief Act, 1963, is a key piece of legislation in India that provides remedies for individuals whose civil rights have been infringed. It is particularly focused on the enforcement of individual civil rights rather than punishment for civil wrongs. The act has been amended over the years to keep it in tune with the evolving needs of the society and the economy. One of the significant amendments to this act came in 2018, which aimed to make specific performance of contracts the norm rather than an exception and introduced changes regarding infrastructure projects and substituted contracts.

Objectives of the Amendment

1. Promotion of Contract Enforcement: Relying on Legal system and fast result is one of the primary objectives of the amendment is to ensure that parties have greater confidence in entering into contracts, knowing that they can rely on the legal system to enforce contract terms as agreed.

2. **Facilitation of Infrastructure Development:** By making specific performance more readily enforceable, the amendment supports faster and more reliable execution of infrastructure projects. It does so by recognizing specific performance as a norm and providing special treatment for public and infrastructure projects.

3. **Mitigation of Delays:** By reducing judicial discretion in granting remedies and making specific relief obligatory, the amendment aims to minimize delays in commercial transactions and project implementations.

4. **Substituted Performance:** The amendment introduces the concept of substituted performance, giving the aggrieved party the option to get the contract performed by a third party and recover expenses from the defaulting party, promoting efficiency in resolving disputes.

Key Amendments

1. **Specific Performance as a Norm:** The amendment reflects a shift towards specific performance being granted by default, rather than as a secondary option. It changes the language from "May" to "shall," indicating a mandatory approach to specific performance unless certain exceptions apply.

2. **Substituted Performance:** The introduction of Section 20A allows for substituted performance, where the aggrieved party, after serving a notice, can undertake the contract through another party if the original party fails to do so.

3. **Infrastructure Projects:** Special provisions have been introduced for contracts related to infrastructure projects. Under Section 20A, courts are restricted in their ability to grant injunctions in a manner that would delay the progress or completion of infrastructure projects.

4. **Expert Assistance:** The amendment allows courts to seek the assistance of expert bodies, which facilitates a more nuanced decision-making process, particularly in technical matters involving large projects.

Illustration Example Case: Imagine a developer (Party A) contracted with a construction company (Party B) to build a commercial complex. The contract clearly outlines the timeline and specifications for the project. Due to delays and non-compliance by Party B, Party A is at risk of losing significant revenue and business opportunities.

Before the Amendment: Party A might only have been able to seek damages or possibly specific performance at the discretion of the court, leading to significant delays and uncertainty.

After the Amendment: Under the amended act, Party A can pursue substituted performance. They can serve a notice to Party B and then hire another construction company to complete the project. Party A can later recover the additional costs from Party B. Moreover, since it's an infrastructure project, injunctive reliefs that could delay the project are minimized as per Sections 20A and 20B.

Overall, the 2018 amendment to the Specific Relief Act represents a significant step towards streamlined contract enforcement and creating an environment conducive to infrastructural growth and investor confidence in India.

Thus Specific Relief Act, 1963 provides a comprehensive solution for civil cases, enforcement of contracts and many more cases where the individuals are strengthened by said law.

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