

# THE SPECIFIC RELIEF ACT, 1963

## INTRODUCTION

A mature legal system endeavours to provide not merely a remedy for every right infringed, but also an adequate remedy. It was in this process of a search for effective remedial action that Specific Relief emanated from the Equity Courts in England. The principles built up by successive Chancellors of England in this branch of law have been borrowed by the Indian Courts and have served to enrich the Indian Law. This fertilisation of Indian Law by the Equity jurisprudence of England produced wider course of the Specific Relief Act of 1877. It was modelled on the draft New York Civil Code of 1862 and embodied in it the relevant doctrines evolved by the Courts of Equity in England. The Act of 1877 was not exhaustive. The jurisdiction of Courts in India to grant specific performance of contracts, for instance, existed independently of the Specific Relief Act. In localities to which that Act had no application, cases were governed by the ordinary rules of justice, equity and good conscience. For decades this Act was subjected to judicial interpretations which revealed many deficiencies and lacunae. Accumulated mass of case-law required a thorough overhaul of the provisions of the Act. The Law Commission appointed by the President of India after the advent of the new Constitution addressed itself to this task at its very first meeting. The recommendations of the Commission were embodied in its Ninth Report which was forwarded to the Government of India on 19th July, 1958. On the recommendations of the Law Commission a Bill was introduced in the Parliament on 23rd December, 1960 which lapsed on its dissolution. Again in 1962 the Specific Relief Bill, 1962 was introduced in the Parliament.

## STATEMENT OF OBJECTS AND REASONS

This Bill seeks to implement the recommendations of the Law Commission contained in its Ninth Report on the Specific Relief Act, 1877, except, in regard to section 42 which is being retained as it now stands. An earlier Bill on the subject introduced in the Lok Sabha on the 23rd December, 1960, lapsed on its dissolution. The notes on clauses, extracted from the report of the Law Commission explain the changes made in the existing Act.

## ACT 47 OF 1963

The Specific Relief Bill having been passed by both the Houses of Parliament received the assent of the President on 13th December, 1963. It came on the Statute Book as THE SPECIFIC RELIEF ACT, 1963 (47 of 1963).

## LIST OF AMENDING ACTS

1. The Repealing and Amending Act, 1964 (52 of 1964) (w.e.f. 29-12-1964).
2. The Repealing and Amending Act, 1974 (56 of 1974) (w.e.f. 20-12-1974).

