Specific Relief (Amendments) Bill 2017

Why in news?

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Union government has approved the Specific Relief (Amendments) Bill 2017.

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What is Specific relief bill about?

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- The Specific Relief (Amendment) Bill, 2017 was introduced in Lok Sabha by the Ministry of Law and Justice.
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- The Bill seeks to amend the Specific Relief Act, 1963 and sets out the remedies available to parties whose contractual or civil rights have been violated.
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- The Act sets out two main remedies to a party whose contract has not been performed
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1. The party may ask the court to compel performance of the contract (specific performance); or
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2. The party may seek monetary compensation instead of performance.
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- Under the Bill, certain civil courts may be designated as Special Courts by the state government, in consultation with the Chief Justice of a High Court and these courts will deal with cases related to infrastructure projects.
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- The Department of Economic Affairs is the nodal agency for specifying various categories of projects and infrastructure sub-sectors, which is provided as Schedule to the Bill.
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- The Department may amend the Schedule relating to any such category or sub-sectors.
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What is the need for the bill?

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- The Specific Relief bill 1963 brought in enormous commercial activities in India including foreign direct investments, public private partnerships.
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- But the act is not in tune with the rapid economic growth of the country.
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- Government believes that with wider discretion of courts to grant specific performance and to make specific performance of contract will restricts economic growth.
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- Thus the new bill proposes to enable courts to engage experts on specific issues and to secure their attendance.
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What are the salient features of the bill?

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- The Bill adds a new entity to the list of parties which includes a limited liability partnership (LLP) formed from the amalgamation of two existing LLPs, one of which may have entered into a contract before the amalgamation.
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- The Act provides circumstances in which injunctions cannot be given, for example, to stop a party from filing a complaint in a criminal matter.
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- The Bill additionally seeks to prevent courts from granting injunctions in contracts related to infrastructure projects, if such an injunction would hinder or delay the completion of the project.
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- The court will determine the terms of payment of such expert and the payment will be borne by both the parties.
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Source: PRS, the Hindu

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