

**GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA**

UNSTARRED QUESTION NO:375
ANSWERED ON:25.02.2016
Review of Specific Relief Act, 1963
Mahajan Smt. Poonam

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the Government has set up a committee to review the Specific Relief Act, 1963;
- (b) if so, the details thereof including the composition of the committee and the objectives thereof;
- (c) whether improvement in the ease of doing business in the country is also part of these objectives;
- (d) if so, the details thereof; and
- (e) the time frame set for the purpose?

Answer

ANSWER
MINISTER OF LAW AND JUSTICE
(SHRI D. V. SADANANDA GOWDA)

(a) to (d) Yes, Madam. The Legislative Department vide Office Order dated the 28th January, 2016 has constituted an Expert committee consisting of the following Members to examine the Specific Relief Act, 1963 (47 of 1963) and to make suggestions for amendments therein, namely:-

- (1) Shri Anand Desai, Managing Partner, DSK Legal, New Delhi –Chairperson;
- (2) Shri Amit Kapur, Senior Partner, J Sagar Associates, New Delhi-Member;
- (3) Shri Akshay Chudasama, Managing Partner, West Sharda Amarchand Mangaldas & Co., New Delhi –Member;
- (4) Shri Arghya Sengupta, Vidhi Centre for Legal Policy, New Delhi –Member;
- (5) Mrs. Neelima Bhabhade, Associate Professor, ILS Law College, Pune-Member;
- (6) Dr. Mukulita Vijayawargiya, Additional Secretary, Legislative Department, Ministry of Law and Justice- Member-Secretary.

2. The terms of reference of Expert Committee are as follows:-

(a) to review of the Specific Relief Act, 1963 from the point of view of enforceability of contract and other relief provided thereunder, in the context of tremendous developments which have taken place since 1963 and the present changed scenario involving contract based infrastructure developments, public private partnerships and other public projects involving huge investments;

(b) to study the remedies of specific relief provided under the Specific Relief Act, 1963 and suggest changes required in the present scheme of the Act so that specific performance is granted as a general rule and grant of compensation or damages for non-performance remain as an exception;

(c) to examine and suggest amendments in the Specific Relief Act, 1963 to ensure that discretionary relief is done away with;

(d) to examine amendments required to be made in the Specific Relief Act, 1963 for ensuring ease of doing business in India;

(e) any other suggestions for amendments in specific Relief Act, 1963.

(e) The Expert Committee has to submit its report to the Government within three months.