

preface to the twentieth edition

The Indian Contract Act 1872 successfully and with flying colors has entered into the 137th year of its birth. Its history, as to how it took shape during the British period in India, appears in the “introduction and also in section 1”.

In Sanskrit, contract means an argument, or compact (Latin “compaction”) are all contractual in nature. This book on the Indian Contract Act a section wise commentary on the act, written by a veteran of law, Shri T.R. Desai is thoroughly revised with up to date case laws and interesting discussion on various doctrines informing the reader of the current position on contract law.

The Law of contract has undergone various strains, stresses and vicissitudes of time. However it has stood like a rock against all odds. In spite of this, one must be aware that there is a continuous friction between—“Freedom of contract, sanctity of contract and doctrines of contract”—on one side and the socialist approach of the state, i.e. “welfare of all” on the other. This and other topics like doctrine of consideration, standard form contracts, contracts with government, economic duress, Public law contracts – create a number of problems for the courts. All this has been discussed in this book at proper place. Some of the provisions of this law required to be modified. The government should therefore think to make a “Restatement of law” like American law.

At this juncture, I cannot help express my sincere thanks to the publishers, Lexis Nexis Butterworths Wadhwa, Especially Shriman Chaitanya Kalbag, the Publishing Director, India, and all others of the editorial staff. This reviewed edition, I must say is a product of our joint efforts, which would surely show good results.

Suggestions to improve the book are welcome.

—Author

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I have great pleasure in presenting to the Legal fraternity, the present edition of this classic text book, thoroughly and carefully revised. The citations are brought upto date till March including the addenda. The book is not only a great favourite of Law Students but it is also accepted as a useful ready reference for busy practitioners. Several

additions and alterations as considered necessary have been made. All cases of Supreme Court and important decisions of the various High Courts are incorporated under relevant sections. Some notes have been entirely re-written.

I hope the present edition receives the same support from the legal fraternity as the earlier editions.

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