CONTENTS

CERTIFICATE
DECLARATION
ACKNOWLEDGEMENTS
CONTENTS
PREFACE
TABLE OF CASES
ABBREVIATIONS

CHAPTER - I

INTRODUCTION 1-12
1. GENERAL 3
2. OBJECT AND SCOPE 7
3. METHODOLOGY 8
4. SCHEME OF THE STUDY 9

CHAPTER - II

ORIGIN AND HISTORICAL DEVELOPMENT OF THE RULE OF CHANGE IN CIRCUMSTANCES 13-30
1. INTRODUCTION 15
2. ORIGIN 15
CHAPTER - IV

CONTRACTUAL EXCUSE THEORIES vis a vis PERFORMANCE OF CONTRACT

1. INTRODUCTION 123

2. ANALYSIS OF THE THEORIES PREVALENT UNDER DIFFERENT COUNTRIES:
   I. THEORY OF FORCE MAJEURE 125-141
      (i) General 125
      (ii) Definition 126
      (iii) Essential Elements 129
      (iv) Legal Effects 131
      (v) Judicial Interpretations 132
      (vi) Review 139

   II. THEORY OF IMPREVISION 141-156
      (i) General 141
III. THEORY OF HARDSHIP 156-174

(i) General 156
(ii) Definition 157
(iii) Essential Elements 158
(iv) Legal Effects 160
(v) Hardship differentiated with 'Exemption' 162
(vi) Hardship differentiated with 'Value Maintenance Clause'
(vii) Judicial Interpretations 166
(viii) Model Clause proposed by ICC 171
(a) Force Majeure Clause 172
(b) Hardship Clause 172
(ix) Review 173

IV. THEORY OF COMMERCIAL IMPRACTICABILITY 174-197

(i) General 174
(ii) Evolution 174
(iii) Types of Impossibility 176
(a) Objective
(b) Subjective

(iv) Impossibility: equated with Impracticability 179
(v) Impossibility: differentiated with Impracticability 181
(vi) Test to decipher Impracticability 181
(vii) Impracticability: Not a General Excuse 182
(viii) Essential Elements 183
(ix) Impossibility or Impracticability: Indian View 189
(x) Review 193

V. DOCTRINE OF FRUSTRATION 197-253

(i) General 197
(ii) Evolution 204
(iii) The Law Reforms (Frustrated Contracts) Act, 1943 208
(iv) English Law on Frustration 211
(v) Indian Law on Frustration 213
(vi) Essential Elements 214
(vii) Frustration of Venture 234
(viii) Provision in Indian Legal System 235
(ix) Codification in Indian Law 236
(x) Operation under Indian Legal System 245
(xi) Self Induced Frustration 246
(xii) Legal Effects 248
(xiii) Judicial Interpretations 249
(xiv) Review 251
CHAPTER - V

ESSENTIAL REQUIREMENTS OF THE RULE 261-294

1. INTRODUCTION 263
2. ESSENTIAL ELEMENTS 265
   I. Fundamental Change 265
   II. Resultant Change 269
      (i) Exceptional and External Event 270
      (ii) Unforeseen Event 275
   III. Clause of Unforeseeability 281
   IV. Execution of the Obligation 283
   V. Conduct of the Party 286
   VI. Establishment in the Court 290

CHAPTER - VI

LEGAL IMPLICATIONS OF THE RULE 295-336

1. INTRODUCTION 297
2. LEGAL IMPLICATIONS 299
   I. Adjustment of the Contract 300
      (i) Concept 300
      (ii) Different Ways of Adjustment 305
II. Termination of the Contract 312
   (i) Concept 312
   (ii) Causes of Termination 314

3. ADJUSTMENT AND TERMINATION OF CONTRACT IN AMERICAN LAW 320
4. ADJUSTMENT AND TERMINATION OF CONTRACT IN ENGLISH LAW 323
5. ADJUSTMENT AND TERMINATION OF CONTRACT IN INDIAN LAW 328
6. REVIEW 332

CHAPTER - VII

CONCLUSION AND SUGGESTIONS 337-360

BIBLIOGRAPHY