

# Legal Remedies

Dr.G.B.Reddy  
Department of Law  
Osmania University,Hyderabad-7  
[gbredlaw@gmail.com](mailto:gbredlaw@gmail.com)

# Rights and Remedies

- ▶ *Ubi Jus Ibi Remedium* ( Latin) = "where there is a right there is a remedy"
- ▶ When a person's **right** is violated the victim will have an equitable remedy under law
- ▶ The person whose right is being infringed has a right to enforce the infringed right through any action before a court
- ▶ Right = legally protected interest & bestowed onto a person by a given legal system

# Legal Rights– Classification

- ▶ **Perfect right and Imperfect rights.** (A perfect right is one, which corresponds to a perfect duty, and is not only recognized by law but also enforced by law. E.g. **The right of a creditor to recover his dues from debtor within time** An imperfect right is one which though recognized by law is not enforced by it. No legal proceeding will lie with regard to such a right. E.g. time-barred debt or claims barred by lapse of time )
- ▶ **Positive right and Negative rights.**
- ▶ **Real right and Personal rights.**
- ▶ **Proprietary right and Personal rights.**
- ▶ **Inheritable right and Un-heritable rights**
- ▶ **Rights in re propria and Right in re-aliena.**
- ▶ **Principal right and Accessory rights.**
- ▶ **Legal right and Equitable rights.**
- ▶ **Primary right and Secondary rights.**
- ▶ **Public right and Private rights.**
- ▶ **Vested right and Contingent rights.**

# Classification of Legal Remedies

- ▶ Remedies– Legal & Equitable
- ▶ Judiciary in India is empowered to grant both the remedies
- ▶ Another classification: Judicial and Extra-judicial Remedies
- ▶ Judicial remedies: Civil, Criminal and Constitutional

# Civil Remedies

- ▶ **Injunctions** : temporary and permanent
- ▶ **Damages** – liquidated, unliquidated & statutory etc ( Include nominal, actual and exemplary etc)
- ▶ **Recovery of costs**
- ▶ **Award of reasonable attorney's fees**
- ▶ **Recovery of possession of property**
- ▶ **Specific performance**
- ▶ **Declaration etc**

# Criminal Remedies

- ▶ Awarded when a crime is committed
- ▶ Include sanctions and punishments
- ▶ **In India** : Death sentence, Life imprisonment, Term Imprisonment ,Fine and, Compensation
- ▶ **In case of juveniles** – no sentence of imprisonment but correction in juvenile and protective homes etc

# Constitutional Remedies

- ▶ Right to Constitutional remedies– a f.r.t. u/A 32–35
- ▶ **Writs**
- ▶ Directions, Orders, Impeachment, Removal from office
- ▶ **Curative Relief** (u/a 142) etc
- ▶ **Ultimate object of Remedy:** To restore the *status quo ante* or to compensate the victim

# Conclusion

- ▶ Thank you