

Are promises legally binding?

We tend to make promises day in and day out, in an unhesitant manner, usually without considering the legal relationships we are entering into on account of such promises. A promise, in fact, is an offer or a proposal made



by one person to another to do something for a consideration. When such promise is accepted, it becomes an 'Agreement'. According to the Indian Contract Act an agreement that is enforceable by law is a valid and legally binding 'Contract'. i.e. an agreement becomes a contract when there is an Offer, Acceptance, Lawful Object, Lawful Consideration & Capacity of parties to Contract. For instance, when you go to a restaurant, the food is offered on the menu card, which you accept when you place the order, the food is ordered for a lawful object of dining, against a lawful consideration to pay for the food consumed.

An agreement can be oral or written. Oral agreements are made verbally, by gestures or symbols which convey the intention of the parties. The agreements maybe expressed or implied in nature. eg. when you book a cab with the address of your destination for a certain amount of fare; this is an express agreement. However, here it is implied that, the cab driver will drive the vehicle himself and not ask you to drive instead. A Handshake deal is a customary way of agreeing to terms, which also could be legally binding.

Although oral agreements are legally enforceable and equally binding as a written agreement, yet they can be difficult to prove in case of a breach; as an oral agreement is understood through the word of mouth which is prone to be misunderstood or worse be denied of its existence. Therefore, it is advisable to always draw your agreements in writing.

Want to know when Oral agreements are not enforceable?

Contact: 9284080169