



Discuss the Agreements That are Against Public Policy?

An agreement is said to be opposed to Public Policy when it is harmful to the public welfare. Public Policy is that principle of law that holds that no subject can lawfully do that, which has a mischievous tendency to be injurious to the interests of the public, or which is against the public good or public welfare. Some of the agreements which are, or which have been held to be opposed to Public Policy and are unlawful are as follows:

1. Agreements of Trading With the Enemy

An agreement made with an alien enemy in times of war is illegal on the grounds of public policy. Contracts that are entered into before the outbreak of war are either suspended or dissolved. According to the intention of the parties, these can or cannot be carried out by postponing performance till the end of hostilities.

2. Agreement to Commit a Crime

When the consideration in an agreement is to commit a crime, the agreement is opposed to public policy. Likewise, an agreement to indemnify a person against the consequences of his criminal act is opposed to public policy and hence unenforceable.

3. Agreements in Restraint of Legal Proceedings They include Agreements Restricting Enforcement of Rights

An agreement that wholly or partially prohibits any party from enforcing his rights under or in respect of any contract is void to that extent. Agreements curtailing the period of limitation. Agreements which curtail the period of limitation prescribed by the law of limitation are void because their object is to defeat the provisions of law.

4. Trafficking in Public Offices and Titles

Agreements for the sale or transfer of public offices and titles or for the procurement of a public recognition like Padma Vibhushan or Param Veer Chakra for monetary consideration are unlawful being opposed to public policy. Similarly, an agreement to pay money to a public servant to induce him to act corruptly or to retire is void on the grounds of public policy.

- **Agreements Tend to Create Interest as Opposed to Duty**

If a person enters into an agreement whereby he is bound to do something which is against his public or professional duty, the agreement is void on the ground of public policy.

- **Agreements in Restraint of Parental Rights**

In the absence of the father, the mother is the legal guardian of her minor child. The right of

guardianship cannot be bartered away by any agreement. Such an agreement shall be void on the ground of public policy.

- **An Agreement Restricting Personal Liberty**

Agreements which unduly restrict the personal freedom of the parties are void as being against public policy.

- **Agreements in Restraint of Trade**

An agreement that interferes with the liberty of a person to engage himself in any lawful trade, profession, or vocation is called an 'Agreement in Restraint of Trade'. Such an agreement is void to that extent.

- **Agreement to Defraud Creditors or Revenue Authorities**

Such an agreement is not enforceable, being opposed to public policy.

- **Marriage Brokerage Agreements**

An agreement by which a person, for monetary consideration, promises in return to procure the marriage of another is void, being opposed to public policy.