

THE THREE “BATTLEFIELDS” OF THE ARBITRATION LAW OF INDIA: THE TRILOGY OF GROUNDS FOR UNWARRANTED JUDICIAL INTERVENTION

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ABSTRACT

The Law of Arbitration of India is governed by the Arbitration and Conciliation Act, 1996. The basic reasons behind the enactment of this 1996 legislation were minimal court intervention and speedy resolution of disputes. However, over a period of fourteen years of the enactment of the legislation, the law remains unsettled on many grounds. Some of the provisions under the Act had adopted differing views and interpretations; therefore, the law becomes unclear. Nevertheless, the interventionist tendency of the judiciary is the common thread that runs through these different views taken by the judiciary. This article explores the essence and controversies of the 1996 legislation and analyzes this issue from the following three perspectives. First, the author examines the relevant Court decisions that are closely related to the issues mentioned. Second, the author takes the Amendment Bill 2003 to fortify my viewpoint. In the last part, the author raises some suggestions of possible changes of the Act regarding the issues at dispute.

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