ABSTRACT

The field of international commercial arbitration has grown with remarkable speed in recent decades. It has increased dramatically as the most effective dispute settlement mechanism, and hence an important and vital tool for promoting international business and investment. Thus, conventions and treaties have been adopted, and specialized international institutions have been set up, in order to improve and facilitate the functioning of international arbitration. In India, alongside the modernization of the legal system, since 1990, there has been a progressive trend towards the codification of arbitration and adoption of advanced arbitration law. Ultimately in 1996, after a largely unsatisfactory of the Arbitration Act, 1940, India opened a new chapter in its arbitration law when it enacted the Arbitration and Conciliation Act, 1996. This Act is mainly inspired by the Model Law (1985). India has also joined various important international conventions on international arbitration, such as the Geneva Convention, 1927 and particularly the New York Convention, 1958 on the enforcement of foreign awards.

The present study with seven chapters not only a developmental perspective, whereby discussing the development of International Commercial Arbitration in India, but also follows a comparative approach. Hence, various aspects of the Indian arbitration law are compared with the earlier Arbitration Act, 1940, the Model Law (1985) and international conventions like as the New York Convention, 1958 and also with the arbitration laws of other countries, particularly that of United Kingdom.

A thorough examination of the Arbitration Act, 1996 and case law shows that the road for International Commercial Arbitration in India is not smooth. It is still in neophyte stage with many loopholes that obstructed in working of successful of this method in India. Some of the problems can be solved if disputants parties prepare thoroughly for the arbitration process, but some of them can solved if the Indian legislature as emergent needs to modify or amendment of the present Arbitration Act.