

The Legal Perspective of Domestic Arbitration in India

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Abstract: *Arbitration, as a method of dispute resolution, has deep historical roots in India, with its origins tracing back to ancient times when communities relied on local elders or councils to settle disputes. Over the centuries, arbitration has evolved into a sophisticated mechanism for resolving conflicts, offering parties an alternative to traditional litigation that is efficient, flexible, and confidential. This abstract provides a detailed overview of the legal perspective of domestic arbitration in India, contextualizing it within historical developments and the contemporary legal landscape.*

The historical context reveals the ancient roots of arbitration in India, where principles of equity and justice guided dispute resolution mechanisms such as "nyaya" and panchayats. The colonial period saw the formalization of arbitration through British-administered courts and legal institutions, laying the groundwork for modern arbitration laws. The Arbitration and Conciliation Act, 1996, represents a significant milestone in India's arbitration regime, providing a modern and comprehensive framework aligned with international standards.

Contemporary domestic arbitration in India encompasses a wide range of disputes, including commercial, contractual, and civil matters, with the Act defining domestic arbitration as arbitration where the place of arbitration is in India. Recent amendments and judicial pronouncements have further shaped the legal landscape, emphasizing the autonomy of arbitral tribunals and minimizing judicial interference. This paper aims to explore the legal perspective of domestic arbitration in India through a comprehensive analysis of key provisions of the Arbitration and Conciliation Act, recent judicial trends, challenges, and opportunities. By delving into the regulatory framework, enforceability of arbitral awards, role of Indian courts, and recent case laws, it seeks to provide insights into the evolving landscape of domestic arbitration and its implications for stakeholders. Ultimately, this research contributes to a deeper understanding of domestic arbitration in India and its role in facilitating commercial transactions, fostering investor confidence, and promoting access to justice

Keywords: Domestic Arbitration, India, Arbitration and Conciliation Act 1996, Enforceability, Indian Courts, Judicial Trends

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