

THE ARBITRATION AND CONCILIATION ACT, 1996 - A Commentary. By P. Chandrasekhara Rao. Delhi : Universal Law Publishing Co. Pvt. Ltd., 1997. Pp. lxxxviii + 518, Rs. 450/-, ISBN 81-7534-077-0.

The book under review is an authoritative work on the recently enacted Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'Act'). The subject alternative dispute resolution which includes resolution of disputes by arbitration, conciliation, mediation and negotiation has become indispensable today in the wake of mounting arrear of cases pending in various courts throughout the country and the liberalisation, privatisation and globalisation of Indian economy which was started in 1991. The importance of subject increased tremendously with the introduction of the Code of Civil Procedure (Amendment) Bill, 1997 in the Rajya Sabha. The CPC Bill proposed to make it obligatory for the court to refer the dispute after the issues are framed for settlement either by way of arbitration, conciliation, mediation, judicial settlement or through Lok Adalat. It is only after the parties fail to get their disputes settled through any one of the alternate dispute resolution methods that the suit shall proceed further in the court in which it was filed.

Since the author was Law Secretary to the Government of India when the Act was being drafted, he has examined several models on the subject. Making UNCITRAL's Model Law on International Commercial Arbitration and Conciliation Rules as the basis, he has drafted the statute. He is the chief architect of the Act. This shows his indepth knowledge on the subject.

The author has not only given salient features of the Act but also pointed out the deviations made from the UNCITRAL's Model Law. He has also made a sectionwise comparative study of the Arbitration and Conciliation Act, 1996 with the Arbitration Act, 1940 and the UNCITRAL's Model Law. The author is of the opinion that the decisions of the Indian courts in respect of the earlier enactments should not be fitted in the framework of the new law. However, he contends that such decisions may be looked into, where appropriate. The author sends a message to all judges, lawyers and litigants to search the answers to various problems which have arisen or are likely to arise within the parameters of the Act as a major part of it is new. This is the reason why the section-wise commentary is very limited and does not contain cases decided under the earlier enactments.

The book can be divided into three parts. The first part contains the text of the Act; text of the Statement of Objects and Reasons of the Bill; and

introduction of the subject. The second part contains a systematic section-wise commentary with a complete review of the Act. It may be pointed out that there is an unnecessary repetition of the text of the Act which could have been avoided. The third part consists of Appendices. Appendix I contains various acts, rules, reports, U.N. General Assembly resolutions *etc.* on arbitration. Appendix II contains rules, reports and U.N.G.A. resolution on conciliation. Appendix III contains relevant provisions of the additional statutes which are relevant to the subject such as Contract Act, Stamp Act, CPC, Registration Act, Sale of Goods Act and Limitations Act. The book therefore, makes the task of reader very easy by providing all the relevant materials on the subject at one place.

The book under review is a good effort by the author on a new act which is going to get tremendous significance in the justice dispensing system of India. However, the section-wise commentary given by the author seems to be inadequate at some places. It is expected therefore, that once the Act becomes fully operational, the author will go in many future editions.

Needless to say that the book is useful for law professors, judges, advocates, researchers, law students and others. It is worth keeping in all the libraries as it concerns all of us. The book has been priced at a very reasonable price of Rs. 450/-. It is highly praiseworthy on the part of the publishers, Universal Law Publishing Co. Pvt. Ltd. who have beautifully published the book on a new statute in order to fulfil the demands of the concerned communities.

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