

Arbitration Act, 1940 [Repealed]

Chapter I - Introductory

- (1) This Act may be called the Arbitration act, 1940.
- (2) It extends¹to the whole of India²[except the State of Jammu and Kashmir.]
- (3) It shall come into force on the 1st day of July, 1940.

1. For the Statement of Objects and Reasons, see Gazette of India, 1939, Pt. V, pg. 142; for the Report of the Select committee, 1940, Pt. V, p. 35; THIS ARBITRATION ACT, 1940 HAS NOW BEEN REPEALED BY THE ARBITRATION AND CONCILIATION ACT, 1996 26 OF 1996, SECTION 86 W.E.F. 25THJANUARY, 1996.

2. Extended a Dadra & Nagar Haveli, vide Reg. 6 of 1963. SECTION 2 and Schedule I; to Lakshadweep, vide Reg. 8 of 1965, SECTION 3 and Schedule; to Goa, Daman and Diu by Act 30 of 1965; to Pondicherry, vide Act 26 of 1968, SECTION 3 and Schedule.

Section 2 - Definitions

In this Act, unless there is anything repugnant in the subject or context,

- (a) "arbitration agreement" means a written agreement to submit present future differences to arbitration, whether an arbitrator is named therein or not ;
- (b) "award" means an arbitration award;
- (c) "Court" means a Civil Court having jurisdiction to decide the questions forming the subject-matter of the reference if the same had been the subject-matter of a suit, but does not, except for the purpose of arbitration proceedings under section 21, include a Small Cause Court;

(d) "legal representative" means a person who in law represents the estate of a deceased person, and includes any person who intermeddles with the estate of the deceased, and, where a party acts in a representative character, the person on whom the estate devolves on the death of the party so acting ;

(e) "reference" means a reference to arbitration.