

Arbitration (Protocol and Convention) Act, 1937

Section 1 - SHORT TITLE, EXTENT AND OPERATION

ARBITRATION (PROTOCOL AND CONVENTION) ACT, 1937
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STATEMENT OF OBJECTS AND REASONS
"The Government of India have had for some time past under consideration the question of India's adherence to the Geneva Protocol on Arbitration Clauses (1923) and the International Convention on the Execution of Foreign Arbitral Awards (1927). The object of these Instruments is to meet the widely expressed desire of the commercial world that arbitration agreements should be ensured effective recognition and protection. A large number of countries including many of first class commercial and industrial importance, e.g., the United Kingdom, France, Germany, the Netherlands, have adhered to these Instruments. After consulting Local Governments, High Courts and commercial bodies, a majority of whom were found to be in favour of India's accession to these Instruments, the case was placed before the Commerce Department Standing Advisory Committee of the Legislature who recommended that India should adhere to the Instruments. These have accordingly been signed at Geneva on behalf of India, subject to reservations limiting India's obligations under the Instruments to commercial contracts and excluding the Indian States from the scope of the Instruments. The Instruments provide for their ratification by a contracting party before they are enforced in respect of that party. Prior to ratification it is necessary to enact legislation to implement certain obligations contracted under these Instruments, and the present Act incorporates the legislation needed in this respect". - Gazette of India, 1936, Part V, p. 101. An Act to make certain further provisions respecting the law of arbitration in b[India]. WHEREAS India was a State signatory to the Protocol on Arbitration Clauses set forthb in the First Schedule, and to the Convention on the Execution of Foreign Arbitral Awards set forth in the Second Schedule, subject in each case to a reservation of the right to limit its obligations in respect thereof to contracts which are considered as commercial under the law in force inb[India]; AND WHEREAS it is expedient, for the purpose of giving effect to the said Protocol and of enabling the said Convention to become operative inb[India], to make certain further provisions respecting the law of arbitration: It is hereby enacted as follows:- 1) This Act may be called The Arbitration (Protocol and Convention) Act, 1937. 2[(2) It extends to the whole of India3[* * *].] (3) The provisions of this Act, except this section, shall have effect only from such date as the5 [Central Government] may, by notification in the5[Official Gazette], appoint in this behalf, and the4 [Central Government] may appoint different dates', for the coming into effect of different provisions of the Act.