

Necessity of the Commercial Courts Act: A Critical Study

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Abstract:

Access to justice is the precondition and a basic human right without which other constitutional rights stay behind on document. Now 'rule of law' has to be supplemented by the 'role of law' implying equal access to 'quality justice'. Ease of doing business along with access to justice is a national necessity. 'The Commercial Courts Act, 2015' was enacted to achieve the above objectives. The Commercial Courts Act intended to dispose of commercial transactions more speedily. There are 20-21 transactions under the Commercial Court Act adjudicated by the Commercial courts. It is a mini Code of Civil Procedure Code.

Justice delayed is justice denied but in the Indian context delayed justice has become a norm. To improve this image the Commercial Courts Act of 2015 was enacted to prescribe a different procedural law for 'commercial disputes of specified value'. The Act is the result of lengthy deliberations and discussions in the process of providing for speedy disposal of specified 'commercial disputes and matters connected therewith or incidental thereto.'

This article seeks to highlight salient features of the Act, especially the amendments that have been brought into the provisions of the Code of Civil Procedure, case Management hearing pre-suit institution mediation and settlement of disputes. The author finally concludes that the implementation of the Act will be the real test of the Act's effectiveness and if the Act is implemented in true spirit it would turn out to be the law of the future.

Key Words: Commercial Court Act, 2015, access to justice, rule of law, commercial

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