Polity & Governance · GS - II

“While arbitration promotes efficiency in dispute resolution, excessive reliance on private adjudication may weaken the development of public jurisprudence.” Examine this statement in the context of India's judicial system.

EXAM YEAR	PAPER	SUBJECT
DAILY PRACTICE 13/11/2026	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Arbitration and judicial efficiency, development of legal precedents, public accountability, access to justice, confidentiality of proceedings, judicial oversight, balanced dispute-resolution framework.

Model Answer

Introduction

Arbitration is an alternative dispute resolution mechanism that enables parties to resolve disputes outside conventional courts. It reduces judicial burden and facilitates speedy settlement, particularly in commercial matters.

Contribution of Arbitration

Arbitration offers procedural flexibility, confidentiality, specialised expertise and greater party autonomy. It can improve the investment climate by making commercial dispute resolution more efficient.

Concerns over Excessive Reliance

However, arbitration primarily produces decisions binding on the disputing parties. Unlike judicial judgments, arbitral awards generally do not create precedents for future cases. Excessive privatisation of dispute resolution may therefore:

- Restrict the development of consistent legal principles.
- Reduce public scrutiny of important legal questions.
- Limit opportunities for authoritative interpretation of constitutional and statutory provisions.
- Create concerns regarding unequal bargaining power and access to justice.

Way Forward

India needs a balanced framework that strengthens arbitration while preserving judicial oversight. Courts should remain accessible for constitutional questions, public law disputes and matters requiring authoritative interpretation. Transparency, institutional arbitration and effective judicial review on limited statutory grounds can improve the system.

Conclusion

Arbitration should complement, not replace, the judiciary. A balanced approach can promote efficiency without compromising precedent, accountability and the continuous evolution of law.

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