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ENFORCING INTERNATIONAL ARBITRAL AWARDS IN INDIA: CHALLENGES AND JUDICIAL TRENDS UNDER THE ARBITRATION AND CONCILIATION ACT

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***Abstract*-- In recent years, international arbitration has emerged as an indispensable method for resolving disputes that include multiple countries because it provides impartiality, efficiency, and finality. In 1996, India passed the Arbitration and Conciliation Act, which is based on the UNCITRAL Model Law, in order to bring its legal system in line with international norms, acknowledging the significance of arbitration in today's globalized economy. To make it easier to recognise and enforce foreign arbitral rulings, the Act combines provisions of the New York Convention (1958) and the Geneva Convention (1927). Judicial meddling, delays, an overly broad interpretation of the "public policy" exception, and a lack of institutional support are some of the problems that enforcement in India faces, despite the solid legislative basis. But there has been a trend in the judiciary towards a more enforcement-oriented stance, with landmark decisions in cases like BALCO, Shri Lal Mahal, and Vijay Karia bolstering international standards. Efficiency, impartiality, and institutionalization were further fortified by legislative revisions in 2019, and 2021. This study delves into India's achievements and ongoing challenges, coming to the conclusion that in order to establish India as a prominent arbitration centre, constant judicial restraint and strong institutional processes are crucial.**
Keywords: Arbitration; International Arbitral Awards; Enforcement of Foreign Awards; Arbitration and Conciliation Act, 1996; UNCITRAL Model Law; Judicial Trends.

1. INTRODUCTION

Arbitration has been recognised for a long time as one of the most efficient alternatives to traditional litigation. It provides the parties involved in a dispute with a method that is more advantageous in terms of speed, less combative, confidentiality, and flexibility. Arbitration priorities the independence of the parties and their ability to reach a mutually agreeable resolution, in contrast to litigation, which can drag out disputes through various levels of appeals and procedural formalities. The idea that disagreements are unavoidable but should be resolved peacefully through arbitration was eloquently expressed by Mahatma Gandhi. The so- called winner and loser often end up worse off owing to expenses, delays, and emotional toll, which is why Abraham Lincoln urged parties to "discourage litigation" and to resolve conflicts
through compromise whenever possible. These principles embody the core principles of arbitration: speed, equity, and resolution absent from protracted legal disputes.

India is familiar with the idea of arbitration[1]. Its roots are in the practice of community dispute resolution rather than official court proceedings, which became commonplace in ancient times. Both the Mahabharata and the Manusmriti mention elder councils that met to settle disputes, but the Manusmriti also mentions quasi-judicial forums like family tribunals, guilds, and assemblies that administered justice according to dharma, consensus, and equity. The cultural origins of arbitration in Indian civilisation are reflected in these traditional institutions, which prioritised restorative justice over adversarial disagreement.

As India became a colony, it was subject to codified arbitration statutes derived from English law. The first of these was the Indian Arbitration Act of 1899, which applied only to the Presidency towns. Subsequently, the arbitration provisions of the Civil Procedure Code of 1908 established arbitration as a formal procedure. The first nationwide framework, however, was provided by the Arbitration Act of 1940. However, some felt that the Act allowed too much court involvement, which would defeat the point of arbitration as a mechanism for neutral,

[1] Narayanan, A. (2022). Evolution of Arbitration in India. *Issue 5 Indian JL & Legal Rsch.*, *4*, 1.

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expedited dispute settlement. As a result, the goal of arbitration under the 1940 statute was paradoxically undermined because it frequently turned into drawn-out litigation.

Given these limitations and the era of economic liberalization in India during the 1990s, the Arbitration and Conciliation Act, 1996 was passed by the legislature. An important milestone in the evolution of India's arbitration laws was this statute. The 1996 Act aimed to bring India's arbitration law in line with international standards, drawing inspiration from the UNCITRAL Model Law on International Commercial Arbitration (1985)[2] and the UNCITRAL Conciliation Rules (1980). It reflected India's responsibilities under the Geneva and New York Conventions (1927)[3] and included important provisions for the recognition and execution of domestic and international arbitral rulings. At least in principle, India is now a far more appealing location for international arbitration thanks to this law change.

Since the advent of globalization, the role of arbitration has been increasingly significant. Disputes arising from international trade, investments, and partnerships necessitate amicable, neutral, and legally binding resolutions. One way to measure a country's credibility as an arbitration-friendly jurisdiction and its dedication to the rule of law is by looking at how easily arbitral rulings may be enforced. To achieve its goal of becoming a world leader in international commercial arbitration, India must be able to effectively enforce arbitral rulings. This would help alleviate pressure on the country's already overworked court and inspire faith in India's legal system among investors.

It has not been easy for India to become an arbitration-friendly jurisdiction, even though it has a modern legislative framework. Over time, the 1996 Act's pro-arbitration intentions have been eroded due to problems like inconsistent court interpretations, excessive use of the "public policy" exception, procedural delays, and a lack of institutional support. The formation of institutions like the New Delhi International Arbitration Centre[4], as well as landmark judgements, changes in 2015, 2019, and 2021, and other developments, indicate considerable advancement. Striking a balance between court scrutiny, party autonomy, and the finality of arbitral rulings is nevertheless an ongoing struggle.

This review paper aims to evaluate the enforcement of foreign arbitral rulings in India under the Arbitration and Conciliation Act, 1996. It does so within this context. Examining the changing role of Indian courts in defining arbitration law, as well as its historical evolution, legislative framework, judicial trends, and enforcement issues, the article delves into the topic. The study highlights the importance of strong institutional processes, constant judicial backing, and statutory provisions for the success of arbitration in India. In the end, the question of how to implement arbitral rulings goes beyond mere procedure. It is fundamental to India's goal of being seen as a trustworthy and appealing location for international trade and investment.

2. Historical and Legislative Background Ancient and Traditional Practices

Arbitration has always been an integral part of Indian culture and history[5]. Local community courts like Kulas (family or clan assemblies), Shrenis (guilds), and Pugas (associations of persons inhabiting in a certain locality) were employed to settle disputes long before codified legal systems were put in place. Reconciliation, equity, and justice based on dharma (righteousness and moral order) were the tenets of these informal arbitral forums, which replaced strict, written law. Instead of promoting combative litigation, the goal was to maintain social cohesion and communal accountability within the community. Because of its cultural acceptability and moral legitimacy, this indigenous type of arbitration was well-respected, accessible, and inexpensive.

- *Colonial Influence:* The introduction of Western ideas of conflict resolution by the British drastically changed India's legal environment. The first legislation foundation for arbitration in India was the 1899 Arbitration Act, which was shaped by English law[6]. Nevertheless, its geographical scope was severely limited as it was only

[2] Storskrubb, E., & Cederberg, C. (2013). UNCITRAL Model Law on International Commercial Arbitration 1985.
[3] Tercier, P. (2008). The 1927 Geneva Convention and the ICC Reform Proposals. *Disp. Resol. Int'l*, *2*, 19.
[4] Singh, Y. (2022). Institutional Arbitration in India-Challenges and Way Forward. *GNLU SRDC ADR Mag.*, *3*, 34.
[5] Kidane, W. (2017). *The culture of international arbitration*. Oxford University Press.
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applicable to the presidential towns of Calcutta, Bombay, and Madras. The Civil Procedure Code of 1908 gave arbitration a permanent home, broadened its scope, and mandated heavy judicial supervision of arbitral procedures while maintaining its court-centric orientation. Although these laws established formal arbitration procedures, they were not as autonomous or flexible as India's conventional means of resolving disputes, which made the process difficult or impossible for average residents to use.

- *The Arbitration Act, 1940:* In an effort to streamline and standardize arbitration law in India, the country passed the Arbitration Act of 1940 after gaining independence[7]. Despite its merit as a progressive piece of legislation, the Act quickly came under fire for relying too much on judicial intervention throughout the entire arbitration process, from selecting arbitrators to collecting compensation. Courts' meddling in arbitration procedures undermined the efficiency and effectiveness of the process, which was supposed to be a faster alternative to litigation. In a move that demonstrated how ineffective it was as a tool for conflict settlement; the Indian Supreme Court used the term "lawyers' paradise" to describe the 1940 Act and the litigation it generated.
- *Arbitration and Conciliation Act, 1996:* The Arbitration and Conciliation Act, 1996[8] was passed by the Indian legislature in reaction to the increasing demands of globalization and cross-border commerce, as well as to the deficiencies of the 1940 Act. A turning point in Indian arbitration law was reached with the passage of this statute, which was based on the UNCITRAL Model Law on International Commercial Arbitration (1985). By updating India's framework for resolving disputes, it brought in extensive provisions for conciliation, arbitration (both domestic and foreign), and both.

International conventions to which India is a party were given statutory force by the Act, which included procedures for the acknowledgement and execution of arbitral rulings. It was a clear indication of India's determination to conform to international norms for the implementation of arbitral awards that it incorporated the New York Convention (1958) and the Geneva Convention (1927). India is now seen as a jurisdiction that is open to both domestic and international arbitration because to the 1996 Act, which reduced judicial involvement, made arbitral rulings final, and fostered an environment that is favourable to arbitration.

3. Post-1996 Developments in Arbitration Law in India

- *The Arbitration and Conciliation (Amendment) Act, 2015:* The 2015 amendment was a historic move to reduce judicial intervention and make India more arbitration-friendly. Its principal goal was to boost confidence among both domestic and foreign participants by making arbitration faster, more predictable, and in line with international standards.

The addition of time-bound arbitration was a major component of the 2015 amendment[9]. As per the revised Act, an arbitral tribunal had to make a decision within a year, with a six-month extension possible with the parties' agreement. Prompt resolution of disputes and prevention of delays, which had traditionally diminished the efficacy of arbitration in India, were the goals of this provision.

Another goal of the amendment was to lessen the role of the courts. Once the arbitral tribunal was established, the courts were limited in their ability to grant interim measures, giving the tribunal more power. Restricting procedural hindrance through litigation in courts and strengthening the tribunal's authority were the goals of this amendment.

The 2015 modification highlighted the impartiality and autonomy of arbitrators to bring it into line with international norms. It required full disclosure of any facts that would cast doubt on the impartiality of an arbitrator. This rule reflected the best practices internationally by ensuring that arbitrators remained credible

& Human., *7*, 4160.

[7] Fanibanda, P., & Mehta, P. V. (2020). A Critical Study of Arbitration Law through Years: 1940-2019. *Supremo Amicus*, *22*, 153.

[8] Dhingra, A. (2020). Arbitration and Conciliation Act, 1996-An Overview. *Available at SSRN 3582896*.

[9] Deva Prasad, M. (2018). *Arbitration and Conciliation (Amendment) Act, 2015: An Analysis of Impact on Commercial Disputes Resolution in India* (No. 285). Indian Institute of Management Kozhikode.

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and impartial throughout the proceedings. The cost regime in arbitration was also addressed in the 2015 amendment. To keep the arbitration process financially feasible, courts and tribunals were given the authority to set fair charges, which discouraged baseless claims and needless delays.

Lastly, the validity of interim reliefs was strengthened by the modification. The arbitral tribunal now has more power to handle both the formal and substantive parts of arbitration according to Section 17, which makes its orders as binding as a court order. All things considered, the 2015 modification greatly improved the efficacy, legitimacy, and dependability of India's arbitration system.

- *The Arbitration and Conciliation (Amendment) Act, 2019:* The reform of 2015 was forward-thinking, but there were still issues with its implementation, most notably with the formalisation of arbitration. The goal of the 2019 amendment[10] was to promote a professional and organised arbitration environment in India in an effort to resolve these difficulties.

The Indian Arbitration Council (ACI) was founded, which was a big milestone. In order to maintain high levels of professionalism and guarantee that arbitration services are consistently of high quality, the ACI is responsible for rating arbitral institutions and accrediting arbitrators. Confidentiality of processes was further highlighted in the 2019 amendment, which stated that, with the exception of situations necessitating disclosure for enforcement, arbitration hearings and awards should remain private. Attracting foreign partners wary of the public disclosure of business disputes was a primary goal of this policy.

To ensure the impartiality and safety of arbitrators, the amendment shielded arbitrators who participated in arbitration procedures in good faith from legal action. With this safeguard in place, arbitrators can confidently issue merit-based rulings without worrying about potential legal action. The change loosened the stringent deadlines imposed in 2015 for international business arbitration in recognition of the complexity of cross-border conflicts. While preserving a structure for effective dispute resolution, this flexibility recognised that international arbitrations may have longer process windows.

The 2019 revision showed that India wants to become a centre for institutional arbitration instead of depending mostly on ad hoc processes; it institutionalized arbitration, strengthened secrecy, and protected arbitrators.

- *The Arbitration and Conciliation (Amendment) Act, 2021:* The 2021 modification was motivated by two main goals: (1) further strengthening institutional arbitration and (2) making sure the arbitral procedure is honest and open. An important part of the change was the provision that puts an immediate halt to any awards that have been gained by corrupt or fraudulent means. The arbitral award may be immediately stopped from being enforced if a prima facie case of fraud or corruption was shown. This would protect against corrupted awards and ensure that enforcement processes were fair. The revision also changed the requirements for arbitrators, making it possible to choose from a more varied and inclusive group of people, including experts from other countries. In order to avoid over-limitation and provide freedom in the appointment of competent arbitrators, this requirement was eventually eliminated, although it had been attached to the Eighth Schedule of the Act.

By enhancing the function of the Arbitration Council of India, the 2021 amendment[11] further solidified institutional arbitration. Aligning local arbitration methods with internationally recognised standards and boosting professional credibility were the goals of this initiative, which attempted to strengthen India's institutional framework.

- Overall Impact of the 2015, 2019, and 2021 Amendments: Collectively, the 2015, 2019, and 2021 amendments represent India's progressive journey from a system dominated by ad hoc arbitration and heavy judicial involvement toward a modern, institution-driven, and internationally aligned regime. These reforms addressed long-standing criticisms, including delays, excessive judicial intervention, and lack of professional oversight. At

[10] Moonka, R., & Mukherjee, S. (2019). The Arbitration Amendment Act, 2019 and the Changing Arbitration Eco- System in India: Needs a Re-Look?. *IJLS*, *5*, 54.

[11] Khandelwal, B., & Mahajan, R. (2021). Arbitration and Conciliation (Amendment) Act, 2021: A Double-Edged Sword. *Arb. & Coop. L. Rev.*, *1*, 84.

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the same time, they demonstrated India's commitment to making arbitration a preferred mode of dispute resolution, both for domestic disputes and for cross-border commercial transactions. The combined impact of these legislative measures has been to enhance efficiency, credibility, and predictability in India's arbitration landscape.

4. Enforcement Of International Arbitral Awards In India

- Statutory Framework: Part II of the Arbitration and Conciliation Act, 1996 lays out the main legislative framework for the recognition and execution of foreign arbitral verdicts in India[12]. Reflecting India's dedication to international enforcement systems, this section is separated into two chapters: Awards covered by the New York Convention are addressed in Sections 44 –52 (1958). This Convention, widely recognized as the bedrock of international commercial arbitration, has India as a signatory. The conditions for the recognition and enforcement of foreign arbitral awards in India are laid out in these rules. Importantly, there are specific reasons why enforcement can be denied. These include: parties' incapacity, the arbitration agreement being unlawful, improper notification, an excess of jurisdiction, an irregularly composed arbitral panel, or the fact that execution would go against India's national policy.

Award procedures pertaining to the Geneva Convention are governed under Sections 53–60 (1927)[13]. These clauses are still part of Indian law to deal with previous agreements and awards that were subject to the Geneva framework, even though the New York Convention has supplanted them globally.

To reduce unnecessary procedural impediments, Indian courts are required to recognize and enforce foreign arbitral awards in the same way they would enforce domestic court decrees. A number of legislative exclusions, most notably the divisive "public policy" basis that has been heavily interpreted by the courts, serve to balance this pro-enforcement attitude.

- ***Judicial Trends:*** **The Indian judicial system has been essential in shaping the equilibrium between judicial supervision and party sovereignty by interpreting the arbitration statute. A shift from an overly interventionist to a more moderate, pro-arbitration position is visible in the case law.**

a) ONGC v. Saw Pipes Ltd. (2003)[14]: With this historic ruling, the "public policy" exception in Section 34 of the Act was considerably broadened. If an arbitral decision was "patently illegal" or went against the letter of the agreement, the highest court in the land could vacate it. This case allowed courts to conduct a substantive review of arbitral decisions, even though it dealt with a domestic award; its logic also allowed courts to enforce overseas awards. Worldwide, many felt that the ruling made India an even more unfriendly venue for arbitration by casting doubt on its finality and effectiveness.

b) Shri Lal Mahal Ltd. v. Progetto Grano Spa (2013)[15]: This ruling was a major step in the right direction because it was the Supreme Court's second look at how far the public policy exemption applies to foreign arbitral decisions. It was made clear by the Court that there could be no broad interpretation of Saw Pipes in this case; the refusal to enforce foreign awards could only be based on restricted considerations. A pro-enforcement regime, consistent with global best practices, was established with this case.

c) Bharat Aluminium Co. v. Kaiser Aluminium Technical Services (BALCO) (2012)[16]: With this historic decision, the Supreme Court reversed its prior decision in Bhatia International (2002), which had permitted foreign-seated arbitrations to be subject to Part I of the 1996 Act (addressing domestic arbitration) unless

[12] Chaudhary, T. (2021). Enforcement of Foreign Arbitral Awards in India. *Issue 2 Int'l JL Mgmt. & Human.*, *4*, 1477.

[13] Slonim, S. (1966). The Right of Innocent Passage and the 1958 Geneva Conference on the Law of the Sea. *Colum. J. Transnat'l L.*, *5*, 96.

[14] Gagrani, H., & Jhurani, R. (2010). Unbridled Horse on a Run-A Critique of the Judgment-Ongc V. Saw Pipes. *Saw Pipes (February 17, 2010). Indian Law Review*, *1*(1).

[15] Somnath, R. (2014). Enforcement of Foreign Arbitral Awards in India: Lal Mahal Reduces the Scope for Court Interference. *Arbitration: The International Journal of Arbitration, Mediation and Dispute Management*, *80*(2).

[16] Patil, V. (2013). Supreme Court Judgment in BALCO Case and International Commercial Arbitration. *Journal of Real Estate, Construction & Management*, *28*(4), 61-65.

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specifically excluded. The idea of territoriality is reinforced by BALCO's clarification that Part I exclusively applies to arbitrations situated in India. Indian legislation is now more in line with the UNCITRAL Model legislation thanks to this ruling, which reassures overseas investors that India follows international arbitration criteria.

- *Observations:* A shift away from judicial overreach and towards an attitude that is pro-enforcement has been discernible in the historical trajectory of Indian judicial interpretation. Previous judgements, notably Saw Pipes, raised doubts about India's arbitration-friendliness; however, recent decisions, including BALCO and Shri Lal Mahal, demonstrate an attempt by the Indian judiciary to bring its practice in line with international norms. Still, discrepancies persist because courts aren't quite sure how to resolve the conflict between protecting federal interests (through public policy) and making arbitration decisions as final and predictable as possible.

a) Vijay Karia & Ors. v. Prysmian Cavi E Sistemi SRL (2020): The case of Vijay Karia v. Prysmian Cavi E Sistemi (2020) started because Ravin Cables Limited and Prysmian, an Italian company, had a Joint Venture Agreement[17] Prysmian was the recipient of the award following the arbitration that took place in London in accordance with LCIA Rules. Claims that the party was "unable to present its case" and that the award contradicted India's public policy, including alleged FEMA violations, were raised in opposition to the enforcement in India under Section 48.

   The Supreme Court made it clear that there are rigorous and non-expandable reasons for refusing foreign awards, as stated in Section 48. Public policy is not inherently violated by slight infractions of procedures or technicalities, such as minor non-compliance with FEMA regulations, unless such infractions strike at the heart of what is considered to be fairness. By stressing the need for limited judicial intervention, this ruling reaffirmed India's pro- enforcement position. To bring India in line with the norms of the New York Convention and to improve predictability for international arbitration, the country can only refuse enforcement in extraordinary situations.

b) Amazon.com NV Investment Holdings LLC v. Future Retail Ltd. & Ors. (2021): Amazon sought implementation of an emergency arbitration (EA) order prohibiting Future Retail from transferring assets to Reliance Retail in Amazon v. Future Retail (2021)[18], under a Shareholders' Agreement with Future Coupons Pvt. Ltd. Despite the absence of an explicit mention of "emergency arbitrator" in the Arbitration and Conciliation Act, 1996, the Supreme Court ruled that EA orders can be enforced under Section 17 of the same act, so long as the parties have established institutional standards that provide for such relief. Order 43 Rule 1(r) CPC challenges against such orders cannot be maintained because court enforcement is valid.

   In line with the arbitration agreement and institutional principles, the ruling confirms that courts cannot carelessly dismiss implementation of such awards, supports emergency arbitration in India, reinforces party autonomy, restricts technical objections to interim relief, and more.

5. Challenges In Enforcement Of Arbitral Awards In India

The execution of arbitral verdicts in India still encounters numerous obstacles, even after progressive judicial interventions and substantial legislative reforms[19]. The legitimacy of arbitration as a means of resolving disputes is threatened by these procedural and structural hurdles.

- *The Over-Involvement of the Judiciary:* This is a long-standing problem in Indian arbitration. Although the goal of the Arbitration and Conciliation Act, 1996 and its later revisions was to reduce judicial involvement, Indian courts nevertheless hear cases involving Section 34 (the revocation of domestic decisions) and Section 48 (the rejection of international awards' enforcement).[20] Courts often conduct extensive reviews of arbitral decisions,

17 Mishra, I. (2020). Foreign Exchange Laws and Their Impact on the Enforcement of Foreign Arbitral Awards in India Under the New York Convention. *Asian Dispute Review*, *22*(4).

18 Varnika, A. (2021). The Amazon-Future Deal and the Competition Commission of India. *Jus Corpus LJ*, *2*, 447.

19 Wilske, S. (2013). Legal Challenges to Delayed Arbitral Awards. *Contemp. Asia Arb. J.*, *6*, 153.

20 Pandey, A. (2022). Foreign Awards in International Commercial Arbitration: Recognition, Enforcement and Challenges

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looking into matters like contract interpretation, purported evidence anomalies, or procedural errors. The goal of arbitration is to offer efficient and quick resolution of disputes; nevertheless, court review frequently causes substantial delays, defeating this purpose.

- *Conflicts with Other Provisions:* For a long time, the public policy exemption in Sections 34(2)(b)(ii) and 48(2)(b) has been a serious obstacle. Since the phrase "public policy of India" might mean different things to different people, the courts in India have applied it inconsistently. Although verdicts may have been well-grounded in procedure and substance, landmark decisions like ONGC v. Saw Pipes (2003) showed that courts were willing to intervene based on a sweeping interpretation of public policy. In enforcement procedures, courts can still bring up public policy, even though this power was curtailed by subsequent rulings such as Shri Lal Mahal v. Progetto Grano (2013) and Vijay Karia v. Prysmian (2020). This lack of clarity causes parties both at home and abroad to feel uncertain, as it frequently leads to awards being challenged on weak grounds.
- *Procedural Delays:* The complexity of Indian procedures causes enforcement proceedings to drag on for a lengthy time. Legal proceedings can drag on for a long time due to the number of adjournments, applications for interim relief, and appeals that go through lower courts, high courts, and the Supreme Court. Litigation sometimes delays enforcement, despite the fact that modifications, especially those in 2015, aimed to establish tight deadlines for arbitration hearings. Businesses are discouraged from depending on India as an arbitration seat due to delays, which degrade the reliability and efficiency of the process, particularly in cross-border scenarios.
- *High Expenses:* Despite the fact that arbitration should be cheaper than litigation in theory, in practice, this is not always the case in India. Costs associated with institutional arbitration, especially under rules recognised worldwide as ICC, LCIA, and SIAC, can be too high for many businesses, especially SMEs.[21] Arbitration becomes less affordable for smaller commercial players due to the accumulation of costs, including those of solicitors, arbitrators, institutions, and supplementary services. In addition to reducing the fundamental benefit of arbitration as a cost-effective method, high costs encourage parties to seek judicial remedies.
- *Inadequate Institutional Framework:* Conventional arbitration in India is still in its early stages, despite changes like the 2019 amendment's establishment of the Arbitration Council of India (ACI). The absence of regular procedures, competent administration, and strong case management is a common feature of the ad hoc mechanisms that are typically used to settle conflicts. Inconsistencies, delays, and inefficiency are risks that parties face when they depend on ad hoc arbitration. India is still far from being a world leader in arbitration because of its inadequate institutional framework, which lacks qualified arbitrators, strong procedural norms, and technical support.
- *New Areas of Potential Concern:* The 2021 revision to the Arbitration and Conciliation Act[22] sought to reduce instances of corruption and fraud in arbitration, but it has also introduced new areas of possible concern. Even before a thorough investigation, courts might temporarily halt the enforcement of awards that they suspect of being false or corrupt. There is a possibility of abuse or baseless claims to postpone enforcement, even though the goal is to safeguard parties from corrupt awards. In international commercial environments where speed and enforceability are crucial, this could unintentionally weaken the finality and certainty that arbitration attempts to deliver.

6. Reform Measures and Comparative Perspective

In an effort to bring its arbitration framework in line with international best practices, India has made substantial legislative revisions in the last decade. Award rendering must occur within twelve months, with a six-month extension possible with the parties' agreement, as a result of more stringent deadlines for arbitration processes set by the 2015 Amendment to the Arbitration and Conciliation Act, 1996. Additionally, it aimed to restrict judicial

to an Award. *Issue 1 Indian JL & Legal Rsch.*, *4*, 1.

[21] Broklyn, C., & Tioluwani, R. (2025). The Impact of Institutional Arbitration Rules on Corporate Dispute Resolution Efficiency.

[22] Salton, D. (2021). Recent trends in international arbitration and 2021 international rule changes. *Const. LJ*, *17*, 81

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interference after an arbitration panel had been established by granting the tribunal the authority to provide temporary reliefs, which might be enforced as court orders, under Section 17. The reform also made arbitrators more transparent and made it clear that they must maintain their impartiality, which improved the general fairness and integrity of arbitration.

The 2019 Amendment sought to institutionalize arbitration in India, expanding upon the 2015 revisions. The Arbitration Council of India (ACI)[23] was established to ensure professional standards by grading arbitration institutions and accrediting arbitrators. The change brought India in line with global standards on the secrecy of processes and fortified arbitrator immunity to protect their autonomy. In addition, the modification encouraged the use of institutional arbitration rather than ad hoc procedures and provided more leeway in the scheduling of international business arbitrations.

Courts can now temporarily halt execution of awards in circumstances where there is reason to suspect fraud or corruption, according to new safeguards put in place by the 2021 Amendment. Some worry that this clause could be abused to postpone enforcement, despite its intended purpose of protecting parties from corrupted awards. To further strengthen institutional arbitration, the amendment defined the function of the Arbitration Council of India, which is responsible for promoting internationally accepted procedures and professional standards in arbitration proceedings in India. All things considered, these changes show that India is serious about making the arbitration process more efficient and streamlined with less judicial intervention.

India has taken a step forward institutionally with the opening of the New Delhi International Arbitration Centre (NDIAC)[24], which aims to offer first-rate facilities and expert management for arbitrations both within and outside of India. Providing administrative support, procedural direction, and infrastructure that is in line with worldwide best practices, NDIAC enhances India's capacity to expeditiously manage complicated commercial disputes. Furthermore, in an effort to overcome the drawbacks of ad hoc arbitration and make the system more predictable and efficient, the 2019 Amendment proposes the establishment of the Arbitration Council of India. This body would be responsible for accrediting arbitrators, grading institutions, and standardising professional behaviour.

These changes have not prevented India from falling behind other major international arbitration centres like London, Singapore, and Hong Kong. In contrast to these jurisdictions, India's courts are notorious for their inconsistent review, lengthy adjournments, and procedural delays when it comes to enforcing arbitration agreements. Uncertainty surrounds the public policy exemption, even though it has been restricted in recent judgements such as Vijay Karia

v. Prysmian (2020) and Amazon v. Future Retail (2021). The extent of judicial intervention in India is wider, impacting predictability and award finality, in contrast to the rarity of merits- based review on a global scale.

Even though organisations like the NDIAC and the ACI are helping to improve India's institutional framework, it still lags behind what is required to compete on a global scale. The lack of protocol standardisation, supervision, and efficiency is a result of the majority of arbitrations still being conducted on an as-needed basis. In contrast to jurisdictions whose price structures and institutional support make arbitration more accessible and cost-effective, the costs of institutional arbitration are still substantial, especially for small and medium firms.

Finally, via institutional and legislative reforms, India has significantly improved its arbitration framework. Timeliness, less court intrusion, and promotion of professionalised arbitration have all been improved by these methods. Problems with predictability, speed, and the resilience of institutions persist, nevertheless. India is not yet a very appealing arbitration-friendly jurisdiction due to its excessive use of the public policy exception and its inefficient procedures. Although India is making progress, it still has to implement more reforms to catch up to

[23] Dave, D., Hunter, M., Nariman, F., & Paulsson, M. (Eds.). (2021). *Arbitration in India*. Kluwer Law International BV.

[24] Rizvi, Z. (2020). The Shift Towards Institutional Arbitration: Critically Examining the Arbitration (Amendment) Act 2019. *Available at SSRN 3558538*.

international standards and become a leading arbitration centre.

7. CONCLUSION

There has been significant improvement and persistent difficulty in India's enforcement of international arbitral rulings. A contemporary framework in line with international norms has been established by amending the Arbitration and Conciliation Act, 1996 in 2015, 2019, and 2021. Indian courts have taken a more pro-enforcement posture in recent decisions, which has reduced intervention and brought the country closer to international arbitration standards. Still, problems like overly broad interpretations of public legislation, lengthy delays in procedures, exorbitant expenses, and insufficient institutional backing are undermining certainty and efficiency. While reforms such as the establishment of the Arbitration Council of India and the New Delhi International Arbitration Centre mark important strides towards institutionalisation, their impact is still evolving. Although it has made great strides, India is still not as reliable as other prominent arbitration centres like London and Singapore. Judgemental uniformity, prompt enforcement, affordability, and robust institutional processes are crucial for India to achieve its goal of being an arbitration-friendly country.

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